

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.316 OF 2017
WITH
CIVIL APPLICATION NO.662 OF 2017**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.K.S.Deval i/b Mr.J.M.Joshi for the appellant
Mrs.Rehmat K. Lokhandwala for the respondent
no.1

**CORAM : K. K. TATED, J.
DATE : DECEMBER 18, 2017**

P.C.:

1. Heard.
2. Advocate Mrs.Rehmat K. Lokhandwala submits that she received instruction to appear on behalf of Respondent no.1 original plaintiff. She requires some time to file her Vakalatnama as well as Affidavit-in-Reply if any.
3. The learned counsel for the appellant submits that in the present proceedings, they are challenging the decree passed by the courts below about partition of HUF property. He submits that Respondent no.1 original plaintiff filed Execution Application. Next date in the Execution Application is 22.12.2017. He submits that in the interest of Justice, this Hon'ble Court be pleased to

stay further proceeding in Execution Application. He submits that if stay is not granted, irreparable loss will be caused to the appellant.

4. Considering the submissions made by the learned counsel for the Applicant and as Respondent no.1 original plaintiff filed Execution Application in partition Suit, following order is passed:

a) Respondent no.1 to file their Vakalatnama as well as Affidavit-in-Reply if any on or before 12.1.2018.

b) Appellant to take appropriate steps for service on remaining Respondents along with entire proceeding by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.

c) Execution Application filed by the Respondent no.1 original plaintiff to continue except handing over physical possession to the parties without further orders from this court.

d) Stand over to 12.1.2018.

(K.K.TATED, J.)