

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**18 SECOND APPEAL NO. 65 OF 2024
WITH
CIVIL APPLICATION NO. 3304 OF 2024
IN SA/65/2024**

DWARKABAI W/O PANDIT GHAYAT AND ANOTHER
VERSUS
SANGITA W/O. BHAUSAHEB SABLE AND OTHERS

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Mrs. Pooja V. Langhe, Advocate for the appellants.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 29 APRIL 2024.

ORDER:-

1. Heard learned Counsel for the appellant. According to her, the contesting respondent No.1, despite service, remained absent. However, in the execution proceeding, she has knowledge about pendency of this appeal.
2. The record shows that partition suit has been allowed in absence of one of the co-parcener who has taken objection in the ongoing execution petition. Though there was stay in the execution proceeding in view of that objection, but due to filing of this appeal, the stay has been vacated. The rest of the respondents are though posed as formal parties, are yet to be served. Therefore, it would be better to issue notice to them. As such, issue notice to respondent Nos. 2 to 9, returnable on 24.06.2024. In the meantime, the execution proceeding may

go on, however, only the delivery of possession is stayed.

3. The appellants may rely on the authenticated copy of this order duly signed by Sheristedar of this Court.

(SANDIPKUMAR C. MORE, J.)