

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.2165 of 2015
IN
SECOND APPEAL NO.857 OF 2007

JAGANNATH VITHOBA DHANGAR (GUNDRE) APPLICANTS
AND ANOTHER

VERSUS

VITHOBA RAMA DHANGAR (GUNDRE) RESPONDENTS
AND OTHERS

Mr.S.P.Katneshwarkar, Advocate for the applicants.
Mr.S.C.Swami h/f Mr.V.D.Gunale, Advocate for the respondents.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 27/03/2015

PER COURT :

1. The applicants pray that Second Appeal No.657/2007 be heard finally out of turn on an early date.

2. Since second appeals from 1991 are pending final hearing, this second appeal cannot be granted precedence over old matters. Civil application is, therefore, rejected.

3. Learned Advocate for the applicants submits that the interim order granted by this Court in favour of the non-applicants/ appellants has resulted in staying of the execution proceedings.

The Executing Court be permitted to proceed with the said proceedings and may not pass a final order till the decision in this second appeal.

4. Learned Advocate for the appellants submits that this prayer is not made in this civil application and as such, unless the applicants take out a proper application, this prayer cannot be entertained.

5. In the light of the above, no orders are being passed on the prayer made by the applicants, as recorded above. In the event, any civil application is filed, the same can be considered on its own merits.

(RAVINDRA V. GHUGE, J.)