

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

CIVIL APPLICATION NO.7622 OF 2014 IN
SECOND APPEAL NO.446 OF 2013

Laxmikant Narayanrao Cherekar
and anr.

..Applicants

Versus

Pravin Prabhakarrrao Joshi and ors.

..Respondents

Mr P.G.Godhamgaonkar, Advocate for applicants
Mr A.N.Nagargoje, Advocate for respondents

**CORAM : N.W. SAMBRE, J.
DATE : 30th January 2015**

PER COURT

1. This is an application moved by the respondents seeking vacation of the interim relief or independent direction of handing over the property to the present applicants from the appellants and to direct the enquiry in the mesne profit.

2. This prayer made by the applicants cannot be gone into at this stage in view of the fact that the second appeal is already admitted and while granting interim relief by this Court on 4th July 2014, there is already rider on the right of the appellants that they shall not create any third party interest in the property or shall not destroy the very nature of the property. As such, in view of the rider incorporated, civil application No.7622 of 2014 does not survive.

3. The applicants are at liberty to take out fresh application, if so required, if they noticed any breach of the order passed by this Court.

(N.W. SAMBRE, J.)