

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

CIVIL APPLICATION NO. 1142 OF 2015
IN WP/1430/2003

VITTHAL KONDIRAM THOKAL
VERSUS
KACHRU LAXMAN GAIKWAD AND OTHERS

...
Advocate for Applicant : Deshmukh H.D.
AGP for Respondents: Mr.R.V.Dasalkar
Adv.Mr. A.M Gaikwad For R/1 & 2

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CORAM : N.W.SAMBRE,J.
DATED : 27TH NOVEMBER,2015

ORDER :-

Appearance of Shri N.B.Narwade,Adv.for respondent no.4 (in the Writ Petition) is discharged as Adv.Shri H.D.Deshmukh is appearing for respondent no.4 (in Writ Petition).

2] The Civil Application is moved by respondent no.4 (in the Writ Petition) seeking vacation of interim relief granted on 6/2/2008 as according to him, at the time of admission and granting interim relief, respondent no.4 was not heard in the matter.

3] In view of above, the learned counsel for the respondent no.4 is heard on merits. He claims that he was put in possession of the suit property by respondent authorities after the allotment of same in his favour.

4] The petitioners claim that they were original allottees of the land and allotment in their favour was cancelled which is subject matter of challenge in the petition.

5] Petition is pending since 2003 and there is an interim relief operating in the matter.

6] It is apparent from the record that no panchanama was drawn at the time of dispossession of the petitioners from the suit property and to hand it over to respondent no.4 particularly as is claimed by respondent no.4 by virtue of amendment in his favour.

7] In view of above, in my opinion, the order granting interim relief passed by this Court is confirmed. Civil Application as such stands rejected.

(N.W.SAMBRE,J.)

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