

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL APPLICATION (CAF) NO.1641 OF 2014

IN

FIRST APPEAL NO.192 OF 2005

(Mohd. Kannisodin @ Kannubhai Jadin ..vs.. Pawankumar Shivnarayan Saraiyya)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.G. Bhangde, Senior Advocate assisted by Shri V.V. Bhangde,
Advocate for the appellant,
Shri M.M. Kalar, Advocate for the respondent.

CORAM : Z.A. HAQ, J.

DATED : 06-1-2015

Heard Shri M.M. Kalar, the learned Advocate for the respondent and Shri M.G. Bhangde, the learned Senior Advocate assisted by Shri V.V. Bhangde, the learned Advocate for the appellant.

Accepting the submission made on behalf of the respondent that the respondent No.1(ii) to 1(iv) have no right, title and interest in the suit property, the application is allowed.

Civil Application (CAF) No.1642 of 2014.

On oral leave made by Shri M.M. Kalar, the learned Advocate for the respondent No.1(i), permission is granted to delete the names of the respondent Nos. 1(ii) to 1(iv).

This is an application praying that the interim

order granted by this Court on 30-8-2005 be vacated. This Court by the order passed on 30-8-2005, after considering the matter has granted the interim order and to balance the equities directed the appellant to deposit the amount of Rs.30,13,899/-. The appellant has deposited the amount as directed by this Court.

The respondent No.1(i) has now moved this application for vacating the interim order. Considering the facts on the record, the respondent No.1(i) has not made out any case for vacating the interim order which has been in operation for more than nine and half years.

The civil application is dismissed.

As far as the grievance of the respondent No.1(i) that the application for mutation of her name in revenue record is rejected, that cannot be considered at this stage in the present proceedings. The respondent No.1(i) may avail appropriate remedy according to law, if so advised.

JUDGE