

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

Civil Application [MCA] No.1255 of 2015

in

Writ Petition No.4950 of 2015 (P)

(Bhagwan Meghraj Pande and others

vs.

Mohammad Imam Hiriwale and another)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.M. Sharma, Advocate for the Applicants.

CORAM : R.K. DESHPANDE, J.

DATE : DECEMBER 15, 2015.

On 21st October, 2015, this Court had passed an
 order, which reads thus :

“Rule, is made returnable early.

*Merely because this petition is pending
 before this Court, the trial Court shall not stay the
 proceedings.”*

The learned Counsel for the applicant submits that
 the applicant never prayed for stay of the further proceedings
 before the trial Court and, therefore, there was no need to pass
 the order by this Court that the trial Court shall not stay the
 further proceedings. He further submits that a prayer was made
 for grant of interim relief of stay to the order of injunction
 passed by both the Courts below to the effect of restraining the
 applicant/defendant from disturbing the possession of the

plaintiff over the suit property. He submits that this Court has not passed any order on such prayer.

Obviously, the relief which is prayed for and not granted is deemed to have been rejected. This Court had, therefore, refused to grant prayer for stay of injunction passed by both the Courts below. *Prima facie*, all the findings recorded by the Courts below are concurrent and operating against the applicant and no case was made out for grant of injunction.

In view of this, there is no substance in this review application. Hence, the same is dismissed with no order as to costs.

JUDGE

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