IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 143 OF 2004
IN
SECOND APPEAL NO. 471 OF 1999

Bhau Janardhan Salve and others ...APPLICANTS

versus

Razalin Michael Parera ...RESPONDENT

.....

Mr. S.T. Shelke, Advocate for applicants
Mr. V.S. Bedre, Advocate for respondent

.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 8th JANUARY, 2016.

Order :-

1. Heard learned counsel for the parties.

2. Order passed by this court in second appeal No. 471 of 1999, review of which is sought, is dated 09-09-2002.

3. This court, while disposing of the second appeal has observed that the court had properly considered contention of the parties keeping in mind the facts and evidence. The appreciation of evidence had also been found to be proper. The suit for simplicitor injunction had been dismissed in 1996 and at appellate stage said decree had been substituted by mandatory injunction against defendant for removal of construction in 1999.

4. Learned counsel for the applicants has not been able to point out that order dated 09-09-2002 passed in second appeal no. 471 of 1999

can be said to be erroneous. Since there is no interim relief operating, as such, with passage of time, it appears that cause itself may not survive for review of the order.

5. Review application, as such, does not bear any substance and stands dismissed.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK