

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

CIVIL APPLICATION NO. 10150 OF 2015
IN
SECOND APPEAL NO. 408 OF 2015

Raghunath s/o Vitthal Kale and others .. Applicants

versus

Balasaheb s/o Keshav Kale and others .. Respondents

Ms. Neha B. Kamble, Advocate h/f Mr. S. V. Adwant, Advocate for appellants

Mr. Sachin S. Deshmukh, Advocate for respondents no. 1 and 2

CORAM : SUNIL P. DESHMUKH, J.

DATE : 22nd November, 2016

ORDER :

1. Heard Ms. Neha Kamble, learned counsel for applicants and Mr. Sachin Deshmukh, learned counsel for the respondents.

2. It appears that during pendency of suit, there had been temporary injunction operating against the defendants as prayed for in the application for the same before the trial court and the injunction had also been running against the respondents during pendency of appeal under the appellate court's order.

3. Although it is being contended that injunction had come to halt after dismissal of appeal by applicants, yet looking at that a

right of way which has been claimed by the applicants had been given temporary protection during the proceedings hitherto, it would be expedient that the protection as had been operating till dismissal of appeal by the applicants, be continued as granted by the appellate court during pendency of second appeal.

4. As such, interim order of the nature operating during pendency of appeal shall continue to operate during pendency of second appeal.

5. With aforesaid, civil application stands granted.

SUNIL P. DESHMUKH,
JUDGE

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