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

**SECOND APPEAL NO.749 OF 2005
AND
CIVIL APPLICATION NO.5805 OF 2008**

Pandurang Bhaurao Trimbake
and ors.

..APPELLANTS

VERSUS

Keshav Nathuji Palve
(Since deceased, through L.Rs.
Vasant and anr.

..RESPONDENTS

Mr N.B. Suryawanshi, Advocate for appellant;
Mr D.K. Dagadkhair, Advocate for respondents no.1A and 1B

CORAM : NITIN W. SAMBRE, J.

DATE : 20th November, 2017

ORAL ORDER:

Mr Suryawanshi, learned Counsel for the appellant seeks time to issue appropriate notice to the appellant, who has taken away papers of this appeal and has not issued any instructions. Mr Suryawanshi is at liberty to take appropriate steps.

2. So far as Civil Application No.5805 of 2008 is concerned, it is preferred by the respondents for vacation of interim relief ordered on 17th December, 2007.

3. The appeal has been admitted on 17th December, 2007 and interim relief is in operation for last more than ten years. The application for vacation of stay was never moved before this Court.

(2)

4. In the wake of above, in my opinion, it will be appropriate to dispose of Civil Application No.5805 of 2008 in terms of interim order dated 17th December, 2007 passed by this Court and is accordingly disposed of, with liberty to respondents to approach afresh, if subsequent developments after 2007 prompt him to take out such prayer for vacating interim relief.

5. Appellants shall file private paper-book within a period of six months from today, failing which the appeal shall stand dismissed without further reference to the Court.

(NITIN W. SAMBRE, J.)

amj