

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

942 CIVIL APPLICATION NO. 10779 OF 2016
IN SA/515/2016

NIMSING DHANSING KARGHE
VERSUS
INDALSING JAMMANSING KARGHE AND ORS

...
Advocate for Applicant : Mr. Latange V. P.

...

CORAM : **V. K. JADHAV, J.**
DATE : 08th December, 2017.

P.C.:

. Though the last chance is given to the Respondents, none appears for them today.

2 The learned counsel for Applicant / original Plaintiff submits that the Trial Court has decreed the suit of the Applicant / original Plaintiff seeking a decree of perpetual injunction. The Respondents / Defendants have preferred an appeal against the decree before the District Court and during the pendency of the said appeal, since the District Court has granted stay to the judgment and decree passed by the Trial Court, the present Applicant has approached to this Court by filing Writ Petition No.10126 of 2014 and this Court by order dated 24th November, 2014 directed the Respondents / original Defendants as not to disturb the peaceful possession and cultivation of the Applicant.

Meanwhile, the lower Appellate Court has allowed the first appeal by judgment and order dated 16th June, 2016. The learned counsel submits that the possession of the Applicant over the suit land was protected during the pendency of the suit and also during the pendency of the first appeal by order of this Court as aforesaid. The Respondents in this civil application have not filed their say to this civil application. Even their counsel is also absent on last two occasions and even today.

3 In view of the above, the civil application is allowed in terms of prayer clauses (B) and (C). Civil application is accordingly disposed of.

[V. K. JADHAV, J.]

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