

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

**CIVIL APPLICATION NO. 12991 OF 2016
IN
SECOND APPEAL NO. 1700 OF 2005**

Baburao Maharu Patil
died – Thr. L.Rs. & Ors.

..... APPLICANTS

V E R S U S

Hirabai Khaserao Deshmukh
died – Thr. L.Rs. & Ors.

..... RESPONDENTS

.....

Mr. V.R.Dhorde, Advocate for Applicants.

Mr. Ajinkya Deshmukh, Advocate for

R – 1 (i) to (xii).

.....

CORAM : SUNIL P. DESHMUKH, J.

DATE : 10th FEBRUARY, 2017

.....

ORDER :

1. Heard the learned counsel for the parties.
2. Under this application, original defendant purports to seek permission to take agricultural loan from the suit land G.No. 19. For that purpose, prays to issue

necessary orders.

3. Having regard to the nature of application, wherein the applicant had instituted proceeding for specific performance of contract in respect of the suit land seeking sale deed in his favour by the respondents. That suit was decreed and the appellant had got set aside the decree and had modified the same by setting aside the decree of specific performance of contract and directing the refund of the earnest amount. It is against that decision, Second Appeal is filed by the original plaintiff and is pending for final hearing.

4. It would be worthwhile to take into account that Second Appeal is yet pending, it is the suit land, if it is given under security under order of this court, complications would arise which may not expedient. Under the circumstances, it does not appear to be a case where indulgence can be given.

5. In view of aforesaid, Civil Application stands rejected.

[SUNIL P. DESHMUKH, J.]