

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

53 REVIEW APPLICATION (CIVIL) NO. 174 OF 2016
IN CA/6090/2016 IN SA/924/2005

DHONDIBA NAGU JAGTAP DIED LRS SHESHRAO AND
ORS
VERSUS
MARUTI LAHANU SINDE DIED LRS LAXMAN & ORS.

Shri. Dhananjay Deshpande, Advocate, for applicants.

Shri. R.G. Hange, Advocate, for respondent Nos.1A to 1G.

CORAM: T.V. NALAWADE, J.

DATE : 16 JANUARY 2017

ORDER:

1) The proceeding is filed for review of the order made by this Court on 7-7-2016 in Second Appeal No. 924/2005. Heard both the sides.

2) It appears that present applicants had filed suit for relief of injunction and declaration. The trial Court gave relief of perpetual injunction but the relief of declaration is not given. The plaintiffs have come to this Court in second appeal as relief of declaration is not given

in their favour. By considering that circumstance this Court has granted stay to the disbursement of the amount of compensation deposited in the award given in a Land Acquisition Reference. Learned counsel for the applicants submitted that some record was not shown to this Court when the other side argued before this Court. Prima facie case is required to be made out for giving of the stay. When second appeal itself is ready for final hearing, the matter itself can be decided as it is of the year 2005 and there is no need of review of the order made on 7-7-2016. The review application stands rejected.

Sd/-
(T.V. NALAWADE, J.)

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