

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.W. NO.2313/2016
IN
WRIT PETITION NO.6407/2014

Gulab S/o Dada Naitam and others
..Vs..
State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. A.S. Athalye, Advocate for the petitioners.
Shri Neeraj R. Patil, A.G.P. for respondent No.1.
Shri V.S. Bapat, Advocate for respondent No.2.

CORAM : Z.A.HAQ, J.
DATED : 24.1.2017.

The respondent No.2 has filed this application praying that the interim order granted by this Court on 12th August, 2016 be vacated. It is submitted on behalf of the respondent No.2 that by the order passed on 30th April, 1969 it was held that the predecessor of petitioner is not entitled to exercise his right as per Section 41(2) of the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 and this is not considered by the Court as the order granting stay is passed without hearing the Advocate for the respondent No.2.

The submission made on behalf of the respondent No.2 touches the merits of the matter which cannot be examined at this stage specially when this Court has issued Rule. Further it is relevant to state that this Court had granted interim order on 28th November, 2014 and the respondent No.2 had not taken any steps to move

this Court for vacation of the order till Rule came to be issued and interim order is continued on 12th August, 2016.

In view of the above, civil application is **dismissed**. No costs.

JUDGE

Tambaskar.