

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.10264 OF 2017
IN
SECOND APPEAL NO.682 OF 2014 WITH CA 11255/2016
WITH CA 12111/2017

ANANT NAGORAO SURYAWANSHI AND ANR
VS
LAXMAN MAROTIRAO SURYAWANSHI

...
Mr.NR Thorat, Adv. For applicants;
Mr.SV Chandole, Adv. For Non-applicant.

CORAM : P.R.BORA, J.

DATE : 31th July, 2018.

PER COURT :

1) Heard learned counsel for applicants (original respondents). The present application is filed with the following prayer, -

"(B) Kindly be directed to respondent not to create third party interest in the said property"

2) From the material, it can be gathered that the present appellant had filed RCS No. 237/1998, seeking declaration and injunction and the said suit was dismissed. The record further reveals that the appellant though preferred the Regular Civil Appeal No.84/2004, the same has

also been dismissed and, therefore, the appellant (original plaintiff) has preferred the present second appeal.

3) Thus, it is clear that throughout there is no order in favour of the present appellant. Even in the present appeal, there is no interim relief in favour of the appellant. In the circumstances, if the original plaintiff, is filing certain applications before the revenue authorities, it would be open for the present respondents to bring to the notice the real facts of the matter to the said authorities. However, no such order, as prayed for by the applicants can be passed in the present second appeal. The application No.10264 OF 2017 therefore stands rejected.

. Place the matter after four weeks.

(P.R.BORA)
JUDGE

bdv/