

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

**931 CIVIL APPLICATION NO. 12313 OF 2018
IN SA/364/2016**

**SANTOSH MADANLAL AGRAWAL
VERSUS
BHAGWAT RAGHO KARAD AND OTHERS**

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Advocate for Applicant : Mr. Madhav M. Bhokarikar
Advocate for Respondent No.1 and 2 : Mr. C.P.Patil

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CORAM : V.L. ACHLIYA, J.

DATED : 12th OCTOBER, 2018

PER COURT:-

1. The applicant has moved this application for extension of time to furnish solvent surety in terms of order dated 26.03.2018 passed by this Court (Coram : V.K. Jadhav, J.) for the reasons set out in detail in the application and more particularly that the solvency certificate not received from the revenue authority. Learned counsel submits that now the solvency certificate is received by the applicant and therefore seeks extension of time to comply with the order dated 26.03.2018.

2. Learned counsel for the respondent nos. 1 and 2 objected to grant extension of time to comply with order with contention that unless the appeal is admitted and substantial questions of law is not framed, no interim order can be passed in second appeal. In short, the learned counsel is raising objection to correctness of the order dated 26.03.2018 passed by this Court.

3. Learned counsel for the applicant pointed out that order dated 26.03.2018 was passed after hearing the respondents. Since the order was passed after hearing the advocate representing the respondents, this Court cannot look into the correctness of the order dated 26.03.2018.

4. Considering the cause assigned, the time is extended till 17.10.2018.

5. The civil application is disposed of in above terms.

6. List the appeal for admission on 07.12.2018.

(V.L. ACHLIYA)
JUDGE

SPR