

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

959 CIVIL APPLICATION NO.11841 OF 2019
AND
REVIEW APPLICATION (ST) NO. 28685 OF 2019

DILIP RAJMAL KOKNI
VERSUS
KANTILAL TULSHIRAM SURYAWANSHI AND OTHERS

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Advocate for Applicant : Smt. Deshmukh Charuta Sunil
Advocate for Respondents 1 & 2 : Shri Natu S.V.
AGP for Respondents 5 to 7 : Shri Bhagat N.T.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 04, 2019

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PER COURT :-

1. I have heard the learned Advocates for the respective sides on the Civil Application as well as on the Review Application.

2. For the reasons set out in the Civil Application, the same is allowed. The Review Application stands registered and heard by the consent of the parties.

3. After considering the entire submissions of the learned Advocates for the respective sides, the Review Application is disposed off by recording as under:-

(A) RCS No.222 of 2013 is prior in point of time and
RCS No.53 of 2013 filed by the original petitioner

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Kantilal has been subsequently filed.

(B) The first suit filed by the review applicant / plaintiff / Dilip is for challenging the resumption of the land by the State Government. If Dilip succeeds in this suit, the suit filed by Kantilal subsequently, would be rendered with substantive interest and the said suit can then be taken up for adjudication since it pertains to the execution of a sale deed.

(C) If the suit filed by Dilip is dismissed, the order of resumption of land by the State would be sustained and the second suit would automatically fail.

(D) As such, RCS No.222 of 2013 shall be decided as directed by this Court vide order dated 11.6.2019, in Writ Petition No.6644 of 2019. If the said suit is allowed, RCS No.63 of 2013 filed by Kantilal shall then be proceeded with subject to the directions set out in Clause 6 of the order dated 11.6.2019.

(RAVINDRA V. GHUGE, J.)

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