

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

**CIVIL APPLICATION NO.8664 OF 2019
IN FAST/20187/2019**

**KALPANA DNYANDEO GAVHANE AND OTHERS
VERSUS
SALIM FATTUBHAI SHAIKH AND ANOTHER**

...

Advocate for Applicants : Shri Dattraya R. Markad
Advocate for Respondent No.2 : Shri S. R. Bodade

...

**CORAM : SUNIL P. DESHMUKH AND
B. U. DEBADWAR, JJ.**

DATE : 07th FEBRUARY, 2020

PER COURT :

1. Issue notice to respondents. Shri. S. R. Bodade, learned counsel, waives service of notice for respondent No.2.
2. With consent of parties, the application is heard finally. Though learned counsel for respondent purports to resist, he is not in a position to challenge veracity of reasons given in the application with any credible material or any plausible reason.
3. In view of above and decisions of Supreme Court in case of *Collector Land Acquisition, Anantnag Vs. Mst. Katij and Others* reported in *AIR 1987 SC 1353* and *Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and Others* reported in *(2013) 12 Supreme Court Cases 649*, we deem it

appropriate to grant the application.

4. Application is allowed in terms of prayer clause 'B' and is disposed of.

(B. U. DEBADWAR, J.)

(SUNIL P. DESHMUKH, J.)

SVH