

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**913 CIVIL APPLICATION NO.7271 OF 2021
IN SA/714/2007**

RAVINDRA BHILA MARATHE
VERSUS
PRAMILABAI HEMANTRAO WAGH

...
Advocate for Applicant : Mr. Shah Subodh P.
Advocate for Respondent : Mr. S. P. Brahme.
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 09-09-2021.

ORDER :

1. Present application has been filed for enhancement in the amount directed by this Court to be deposited towards mesne profits by order dated 01-07-2008 passed in Civil Application No.10376 of 2007.
2. Heard learned Advocate Mr. S. P. Shah for applicant and learned Advocate Mr. S. P. Brahme for respondent.
3. It appears that since the suit filed by the present applicant for possession of the property on the basis of title was decreed and the defendant was asked to deliver the vacant possession as well as inquiry was ordered for future mesne profits was decreed and then the

appeal filed by the appellant/present respondent came to be dismissed, the original defendant has filed the second appeal which has been admitted by this Court. Further, in the said order for Stay in Civil Application No.10376 of 2007, this Court directed the appellant/original defendant to deposit amount of Rs.2000/- per year. Now the applicant/original plaintiff want enhancement in the same. When the inquiry into the future mesne profits has been directed and it is yet to be undertaken, under such circumstances, the enhancement cannot be granted. The applicant would be at liberty to adduce evidence and then get that amount. Application stands rejected and disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-