

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.8960 OF 2019
IN SA/430/2019

Namdev s/o Daulatrao Suryawanshi and another **... Applicants**

Versus

Sanjay s/o Raghunathrao Matlakute **... Respondent**

.....
Mr. S. K. Chavan, Advocate for applicants.
Mr. K. P. Rodge, Advocate for respondent.
.....

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 11th February, 2021

ORDER :-

- . Present application has been filed for injunction.
2. Heard both sides.
3. The applicants/ appellants in both cases are Plaintiffs' in Regular Civil Suit No. 364 of 2006 which came to be dismissed on 16.09.2011. It was filed for declaration and injunction. The Regular Civil Appeal No. 102 of 2011 challenging the said judgment and decree before the learned Principal District Judge, Parbhani came to be dismissed on 08.05.2019. There is no evidence produced by the applicants that they had sought interim injunction throughout both the proceedings and

even after the pronouncement of judgment and decree passed by the learned First Appellate Court. Under such circumstance, no case is made out for grant of injunction during the pendency of second appeal. Second appeal is admitted, but that will not give applicants a right to get temporary injunction. Hence, application stands rejected.

[SMT. VIBHA KANKANWADI, J.]

scm