

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

**CIVIL APPLICATION NO. 14091 OF 2010
IN
SECOND APPEAL NO. 44 OF 2013**

1) Muktabaia @ Gabaji Sampat
Hake and Ors. = **APPLICANTS**
(Orig.Plaintiffs)

VERSUS

1) Vilas s/o Vitthal Kolpe & Anr. = **RESPONDENT/S**
(Orig.Defendant)

Mr.Avinash Patil, Adv. h/for Mr.SP and SS Chapalgaonkar,
Advocates for Applicants;

Mr.Sanket S.Kulkarni,Advocate for Respondent No.1;

Respondent No.2 is deleted as per Court's Order dt.10.8.2012.

CORAM : SMT.VIBHA KANKANWADI,J.
DATE : 18th August, 2021.

PER COURT :-

1. Heard both sides.
2. Learned first Appellate Court has reversed the decree passed by the Trial Court only in respect of property No.549. Now, after the decision of the first Appellate Court on 24.6.2010, till today, no order was sought by the applicants-plaintiffs. The first appellate court had come to a conclusion that deft.Nos.1 and 2 are in possession of the said property. This was contrary

(2)

to the finding of the Trial Judge. However, since 2010 till today when the applicants have not pressed the said application, it stands dismissed.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV