

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

**CIVIL APPLICATION NO.8716 OF 2022  
IN  
SECOND APPEAL NO. 30 OF 2015**

Madhukar Asaram Tribhuwan and others

.. Applicants

Versus

Mohammad Sk. Haneef and others

.. Respondents

Mr. Vijay Vasantryao Deshmukh, Advocate for the Applicants.

**CORAM : BHARAT P. DESHPANDE, J.**

**DATED : 17<sup>th</sup> AUGUST, 2022.**

**PER COURT:-**

1. Heard learned counsel for the applicants/original respondents.
2. Learned counsel for the respondents/original appellants is absent. No one appeared on the last date also.
3. Learned counsel for the applicants pointed out that second appeal was admitted on 16.01.2015 only on one question of law which reads thus :

“Whether the suit preferred by the present respondents was within limitation when the limitation prescribed in the declaration for injunction is three years.”
4. Learned counsel for the applicants submits that in the original plaint both the learned Courts below decreed the suit in his favour, however, he is

unable to enjoy the fruits of such decree as the possession is with the original appellant.

5. Considering short question involved in the second appeal, the matter could be taken up for final hearing on 12.09.2022.

6. List this matter for final hearing on 12.09.2022 at 02.30 p.m.

7. The application is therefore, disposed of accordingly.

**( BHARAT P DESHPANDE, J.)**

PS.B.