

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

**CIVIL APPLICATION NO.8311 OF 2021
IN REVIEW APPLICATION ST. NO.17053 OF 2021
IN WRIT PETITION NO.6497 OF 2020**

Vishnudas Mohanlal Kudal

..Applicant

Vs.

Vasant Rupchand Rathod and ors.

..Respondents

Mr.A.S.More, Advocate for applicant

Mr.S.A.Wakure, Advocate for respondent no.1 in Writ Petition

Mr.A.G.Vasmatkar, Advocate for respondent nos.4 and 5 in Writ Petition

**CORAM : R.G. AVACHAT, J.
DATE : JANUARY 04, 2022**

ORDER :-

Heard.

2. For the reasons given in the application, delay in filing the Review Application stands condoned.

3. This is an application for review of the order passed by this Court on 27.01.2021 in Writ Petition No.6497 of 2020. By that order, this Court had upheld the order whereby learned District Judge, in Appeal from Order, had upset the order granting interim injunction. Review of the order passed by this Court is sought on the ground of

the new facts to have come to the notice of the applicant herein, subsequent thereto. It needs to be mentioned that the order impugned in the Writ Petition was interim order based on *prima facie* appreciation of material on record. The suit is yet to be heard on merit. Moreover, Order XXXIX Rule 4 of the Code of Civil Procedure speaks of order for an injunction may be discharged or varied or set aside by the Court on the application made thereto by any party dissatisfied with such order.

4. In view of the above, this Court is not inclined to entertain the application. The Review Application, therefore, stands dismissed.

5. The applicant may have recourse of Order XXXIX Rule 4 of the Code of Civil Procedure , if so advised, or he may urge the trial Court to decide the suit expeditiously within a time frame.

[R.G. AVACHAT, J.]

KBP