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CA 13330 SR.N 922.odt

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

**922 CIVIL APPLICATION NO. 13330 OF 2024
IN SA/854/2004**

Gumphabai Kashiram Hanmante

....Applicant

VERSUS

Baban Daharath Hanmante And Or

.....Respondent

.....

Advocate for Applicant : Mr. Hanumante Suresh K

Advocate for Respondent Nos. 1 to 3 : Mr. B.S.kudale

Advocate for respondent No.4.: Mr. Adv.aashish T Jadhavar For R.4

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 12TH DECEMBER, 2024.

P.C. :-

1. Hear.d Mr. Suresh K. Hanmante, learned advocate appearing for the applicant. He submits that interim relief granted by this court was a result of suppression of material facts. Various crucial aspects were not brought to the notice of the Court. Consequently, this Court granted interim relief. The appeal is pending since more than 16 years. Therefore, he seeks to vacate the interim relief granted vide order dated 16.2.2008.

2. Mr. Kudale, learned advocate for the respondent Nos. 1 to 3 submits that, this Court after hearing both the sides granted interim relief on 16.2.2008 and present application is moved after 16 years on

aforesaid ground, which may not be entertained.

3. Considering submissions advance, it can be noted that the interim relief is granted at the time of admission of the appeal. Learned advocates for both the parties had advanced their submissions and thereafter, this Court found it appropriate to grant interim relief. Therefore, at this stage the submissions advanced on behalf of learned advocate for the applicant cannot be considered. However, looking to the fact that appeal is pending since 2006, it can be fixed for final hearing on a particular date, by giving priority..

4. Hence, fix the matter under caption “for final hearing” on 12th March, 2025.

[S.G. CHAPALGAONKAR, J]

grt/-