



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

**CIVIL APPLICATION NO. 4888 OF 2025
IN SA/854/2004**

**BABAN DAHARATH HANMANTE AND OTHERS
VERSUS
KASHIRAM DASHRATH HANMANTE AND OTHERS**

...
Shri B.S. Kudale, Advocate for the Applicants.
Shri L.M. Badgujar, Advocate h/f Shri S.K. Hanumante, for
respondent No.2.

...

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 07th May, 2025

Per Court :-

1. This is an application for continuation of interim relief in Second Appeal No.854/2004, which is finally decided by the judgment and order dated 07.04.2025. This application is filed on 22.04.2025.

2. The Second Appeal is decided by judgment and order dated 07.04.2025 by this Court (Coram : Rohit W. Joshi, J.) and the application is filed after change of assignment and the same is now placed before this Court.

3. Learned advocate Shri Kudale for the appellants

submits that the interim relief was granted by this Court by order dated 16.02.2008, which operated during the pendency of the Second Appeal and after dismissal of the Second Appeal on 07.04.2025, same was not continued. He submits that the judgment is uploaded on 29.04.2025 and downloaded by him on 02.05.2025 and he received the certified copy on 03.05.2025. He, therefore, submits that in view of this, the interim relief be continued for further period of eight weeks to enable the appellants to approach the Honourable Supreme Court.

4. Having considered the contentions mentioned in the Civil Application and the submissions advanced, I am of the view that in view of the judgment on merits in the Second Appeal dealing with the rights of the appellants over the suit property and specific reasons which are assigned for dismissal of the Second Appeal, no case is made out for continuation of the interim relief.

5. Pertinent to note, by this application the appellants are only seeking continuation of interim relief which was granted by order dated 16.02.2008, which operated during pendency of the Second Appeal. It has to be noted that the interim order got

merged in the final judgment of the Second Appeal and there is no question of continuation of the said interim order.

6. Another reason for not entertaining the application is that although the judgment was pronounced on 07.04.2025, no request was made by the appellants for continuation of the interim relief on the same day and the request for continuation of interim relief is made by this separate application which is filed on 22.04.2025, that too after change of assignment.

7. The Civil Application seeking continuation of interim relief is, thus, rejected.

8. At this stage, a request is made for expediting the certified copy of this order. On the application being made with the registry, certified copy of this order be provided expeditiously.