

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.3969 OF 2011 IN
LETTERS PATENT APPEAL ST.NO.1069 OF 2011 IN
APPEAL FROM ORDER NO.120 OF 2010

Rajabhau s/o Damodhar Ubale
and others

Applicants

Versus

Suresh s/o Panditrao Kadam
and others

Respondents

None present for applicants.

Mr.B.P.Kedar, advocate for Respondents No.1 to 3.

**CORAM : R.M.BORDE &
SUNIL P. DESHMUKH, JJ.
DATE : 12th February, 2015**

PER COURT:

None appears for applicants.

This is an application seeking condonation of delay of 21 days occurred in presenting the Letters Patent Appeal.

For the reasons stated in the application, application deserves to be allowed and same is accordingly allowed. Delay of 21 days occurred in presenting the appeal stands condoned.

Civil Application stands condoned.

**SUNIL P. DESHMUKH
JUDGE**

adb/ca396911

**R.M.BORDE
JUDGE**

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SUNIL P. DESHMUKH, JJ.
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PER COURT:

1 None appears for appellants.

2 This is an appeal arising out of decision rendered Appeal from Order, decided by learned Single Judge.. Perused the order dated 23.11.2010 passed by learned Single Judge in Appeal from Order No.120 of 2010. The learned Single Judge, while allowing the Appeal from Order, has set aside the order passed by the trial Court granting injunction in favour of the plaintiffs. Consequently, order of injunction granted by the trial Court is vacated.

3 The order directing vacation of interim injunction was passed by the learned Single Judge on 23.11.2010 i.e. more than

four years back. The Special Civil Suit presented to the trial Court pertains to the year 2009. It is apparent that there is no injunction operating since last more than four years and in all probabilities, the suit pending before the trial Court must have been decided by now. Considering the peculiar facts and circumstances, without entering into merits of the controversy, we do not propose to cause any interference.

4 Hence, Letters Patent Appeal stands dismissed. Pending Civil Application, if any, does not survive and stand disposed of.

SUNIL P. DESHMUKH
JUDGE

R.M.BORDE
JUDGE

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