

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10434 OF 2011

Vitthal Jijaba Yadav ... Petitioner
Vs.
Prakash Jaysing Yadav and others ... Respondents

Mr. Mahindra Deshmukh for Petitioner.

CORAM : R. G. KETKAR, J.
DATE : 23RD JUNE, 2015

ORDER :

Heard Mr. Deshmukh, learned Counsel for petitioner.

2. Mr. Deshmukh submitted that the petitioner had instituted Suit for declaration and perpetual injunction. The learned trial Judge allowed the application for temporary injunction. By the impugned order dated 03.11.2011, the learned Principal District Judge, Sangli allowed the Appeal and set aside the trial Court's judgment. He submitted that during the pendency of the Petition, Suit itself is decreed in favour of the petitioner thereby rendering this Petition infructuous. He, therefore, submits that Petition may be disposed of as infructuous.

3. As the main Suit itself is decreed in favour of the petitioner, this Petition is rendered infructuous and is accordingly disposed of. Rule is discharged. In the circumstances, there shall be no order as to costs.

(R. G. KETKAR, J.)