

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3123 OF 2009

Mr. Chandrakant Ramchandra Patil and Ors.	]	... Petitioners
Versus		
Mr. Vijay Ramchandra Patil and Anr.	]	... Respondents
Mr. Chetan G. Patil for Petitioners.		

**WITH
WRIT PETITION NO.3890 OF 2010**

Mr. Vijay Ramchandra Patil.	]	... Petitioner
Versus		
Mr. Chandrakant Ramchandra Patil and Ors.	]	... Respondents
None for Petitioner.		

CORAM :- M. S. SONAK, J.
DATE :- MAY 07, 2015

P. C. :-

1. Both these petitions can be disposed of with a common order. Writ Petition No.3123 of 2009 challenges interim orders dated 30/01/2009 and 06/11/2008 made by the trial and Appellate Courts during the pendency of Regular Civil Suit No.71 of 2008. During the pendency of the present petition, the Petitioners in Writ Petition No.3123 of 2009 had been granted liberty by order dated 06/05/2010 to apply to the trial Court for certain interim reliefs. Such application was made by the Petitioners and some orders have been passed thereon.

2. That apart, the hearing in the suit which is of the year 2008 is at a fairly advanced stage. In these circumstances, it will not be appropriate to vary the interim position, which prevails till date. Accordingly, it is not necessary to interfere with the impugned orders. However, the learned Civil Judge is directed to dispose of Regular Civil Suit No.71 of 2008 as expeditiously as possible and in any case, within a period of six months from today without being in any manner influenced by the orders impugned in the present petition.

3. Insofar as Writ Petition No.3890 of 2010 is concerned, the same challenges order dated 12/01/2010 made in Regular Civil Suit No.71 of 2008 declining to take any action under Order 39 Rule 2A of the CPC. None appears for Petitioner in the said petition. Besides, the trial Court, on examination of the material on record, has recorded a finding that the Petitioner has failed to prove any willful or deliberate disobedience of the interim order made by the Court. In such circumstances, there is no reason to interfere with the impugned order. Accordingly, Writ Petition No.3890 of 2010 is also dismissed.

4. In the result, both the aforesaid Writ Petitions are dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)