

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3100 OF 2012

**Jaysing Namdeo Kardile : Petitioner
versus
Sou. Kasabai Balaso Jagdale and anr. : Respondents.**

**Mr. Rajesh Jadhav i/by Mr. P G Chavan for the Petitioner.
Mr. Dilip Bodake for the Respondent No.1.**

**CORAM : R. M. SAVANT, J.
DATE : 26th August 2015**

P.C.

1 The above Petition takes exception to the order dated 15/3/2012 passed by the learned District Judge-16, Pune in Misc. Civil Appeal No.382 of 2011. By the said order the order dated 5/11/2011 passed by the learned Joint Civil Judge, Junior Division, Ghodnadi (Shirur) rejecting the application (Exhibit 5) filed for temporary injunction came to be set aside and in turn the application (Exhibit 5) came to be allowed by the Lower Appellate Court.

2 The above Petition had come up for admission on 3/4/2012 when Rule came to be issued and ad-interim relief in terms of clause (b) came to be granted. Rule on interim reliefs was made returnable. Thereafter the Petition was heard for interim reliefs on 21/10/2013 on which day for the reasons mentioned in the order dated 21/10/2013 the interim reliefs were refused and resultantly the ad-interim stay which was operating in the above Petition came

to be vacated.

3 Against the said order dated 21/10/2013, the Petitioner had filed SLP ;being No.3180 of 2014 in the Apex Court. The said SLP came to be dismissed by the Apex Court on 14/2/2014 and therefore the order vacating the stay and refusing stay to the Petitioner in the above Petition came to be confirmed. The above Petition had appeared on 23/6/2015, when this Court in the light of the order passed by the Apex Court directed the learned Counsel for the Petitioner to take instructions and accordingly the Petition has been placed for dismissal. However, the learned Counsel for the Petitioner Shri Rajesh Jadhav i/by Shri P G Chavan states that he has no instructions from the Petitioner. In view of the fact that the learned Counsel is bereft of instructions, the Petition would have to be dismissed on the said ground as the learned counsel for the Petitioner is not in a position to proceed with the matter. In any event, in view of the dismissal of the SLP by the Apex Court and thereby the order dated 21/10/2013 passed by this Court being confirmed, and since the order impugned in the above Petition is an interlocutory order, nothing survives for consideration in the above Petition. The above Petition is accordingly dismissed. Rule discharged with no order as to costs.

[R.M.SAVANT, J]