

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5050 OF 2007

Balkrishna Dattatraya Galande	..	Petitioner
VS.		
Balkrishna Rambharose Gupta	..	Respondent

None for Petitioner.
None for Respondent.

CORAM : M. S. SONAK, J.
DATE: 18 APRIL 2015

P.C. :-

1] This petition challenges order dated 5 October 2006 made by the Adhoc District Judge – 8, Pune, allowing Misc. Civil Appeal No. 365 of 2005 had questioned the order dated 17 October 2005 made by the Small Causes Court, Pune, dismissing application at Exhibit '5' filed by the respondent seeking interim relief of carrying out repairs to the suit property.

2] Rule was issued in this matter on 17 August 2007. However, there is no record that any interim relief was granted in the matter of execution of the order dated 5 October 2006.

3] At this length of time, no useful purpose would be served by interfering with the impugned order, as by now the impugned order

would have been executed and repairs to the suit property, in pursuance of the same, carried out.

4] That apart, the impugned order, was only an interlocutory order made during the pendency of Regular Civil Suit No. 430 of 2004 in the Small Causes Court. It is possible that the suit has itself been disposed of by now.

5] In any case, there is no case made out for interfering with the impugned order, particularly at this length of time. Accordingly, Rule is discharged. There shall be no order as to costs.

(M. S. SONAK, J.)