

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2386 OF 2014
IN
WRIT PETITION NO. 9539 OF 2010

Sadashiv Sudam Yadav, since deceased, through LRs Bhagibai S. Yadav & Ors.	.. Applicants ..(Original Petitioners)
VS. Suresh S. Dhayalkar & Ors.	.. Respondents

Mr. G. M. Savagave for Applicants and original Petitioners.
Mr. Himanshu Kode for Respondent No. 1.
Ms Vaishali Nimbalkar – AGP for Respondent Nos. 2 and 3.

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

P.C. :-

1] This petition was admitted on 8 June 2011. At this stage, there is no record of the petitioners pressing for any interim relief. In fact, opportunity was granted to the petitioners to apply for early hearing. However, the petitioners do not appear to have availed of such liberty.

2] Instead, within two months from the date of the admission of the petition, the petitioners filed the present civil application seeking for interim relief. The application was filed on 4 August 2011, but again the same was not even pursued.

3] Today, after the period of four years, the petitioners press for interim relief, relying upon the averments in the civil application made way back on 4 August 2011.

4] If from 4 August 2011, till date, nothing untoward has happened then obviously the petitioners cannot, at this stage, press for any interim reliefs.

5] The learned counsel for the respondents points out that this civil application, though filed on 4 August 2011 has not even served upon them.

6] Therefore, upon consideration of the aforesaid circumstances, this is not a fit case for grant of interim relief. Civil Application is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)