

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7209 OF 2008

Karbhari Kashiram Jadhav and Anr.] ... Petitioners

Versus

Dadaji Vitthal Jadhav and Ors.] ... Respondents

None for Petitioners.

None for Respondents.

CORAM :- M. S. SONAK, J.

DATE :- MAY 07, 2015

P. C. :-

1. None for Petitioners.

2. This petition challenges orders dated 24/07/2008 and 07/10/2008 made by the trial and the Appeal Courts in the matters of interim protection in pending Regular Civil Suit No.20 of 2008.

3. This Court, on 16/02/2010, whilst granting Rule, made the following order :-

“Heard learned counsel appearing for the parties. Rule. The learned advocate for respondent Nos.1 to 3 waives service. Ad-interim relief granted on 21st October 2008 will continue to operate as interim relief. Pendency of this petition will not

operate as stay of proceedings of the suit and the trial Court is free to decide the suit. The trial Court will decide the suit without being influenced by the orders impugned as well as interim order passed by this Court.”

4. In view of the aforesaid, it is reasonable to presume that Regular Civil Suit No.20 of 2008 has been disposed of. In which case this petition shall be rendered infructuous.

5. In any case, even if Regular Civil Suit No.20 of 2008 is pending, there is no reason to disturb the position arising out of ad-interim relief granted on 21/10/2008 and continued on 16/02/2010 during the pendency of the suit. It is directed accordingly.

6. Accordingly, this petition is disposed of in aforesaid terms. Further, if Regular Civil Suit No.20 of 2008 has not been disposed of till date, then the learned Civil Judge to dispose of the same as expeditiously as possible and in any case, within a period of one year from today.

7. Rule is disposed of accordingly. There shall be no order as to costs.

(M. S. SONAK, J.)