

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4604 OF 2015

Santosh Giridhar Malaye ... Petitioner
Vs.
Bhagwan Sitaram Malaye and others ... Respondents

Mr. Amogh Karandikar a/w. Mr. Rajdeep Gude i/b. Khandeparkar &
Associates for Petitioner.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 08, 2016

P.C. :

Heard Mr. Karandikar, learned Counsel for petitioner at length.

2. By this Petition under Article 227 of the Constitution of India, original defendant No.1 has challenged the judgment and order dated 22.01.2015 passed by the learned Civil Judge, Junior Division, Malvan below exhibit-34 in Civil Miscellaneous Application No.19 of 2012. By that order, the learned trial Judge rejected the application made by the petitioner for staying proceedings filed under Order 39, Rule 2-A of the Code of Civil Procedure, 1908 (for short 'C.P.C.').

3. Mr. Karandikar submitted that respondent No.1 filed application under Order 39, Rule 2-A C.P.C. alleging breach of injunction order by the petitioner herein. The learned trial Judge has dismissed that application. Respondent No.1 thereafter has not challenged that order. In view thereof, the present Petition is rendered infructuous.

4. As the petitioner has challenged the order rejecting his request for staying hearing of application under Order 39, Rule 2-A C.P.C. and that application under Order 39, Rule 2-A, itself, is rejected, nothing

survives in this Petition and the same is disposed of as infructuous.
Order accordingly.

(R. G. KETKAR, J.)

Minal Parab