

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

**APPEAL FROM ORDER NO. 1081 OF 2013
WITH
CIVIL APPLICATION NO. 1271 OF 2013**

Shri. Ravi Shravan Rajput and anr. ... Appellants

vs.

Shri. Rajendra Shravan Rajput and ors. ... Respondents

Mr. Dilip Bodake, Advocate for the appellants.

Mr. Umesh r. Mankapure, Advocate for respondents no.1 to 4.

Mr. Ashutosh M. Kulkarni, Advocate for respondent no.5.

Coram : Smt. R. P. SondurBaldota, J.

Date : 22nd March, 2016.

P. C. :

1. The order impugned in this appeal dated 29th January, 2013, which rejects the appellants application for interim reliefs. The appellants have thereafter approached this Court on 22nd April, 2013 and their appeal has been pending for admission without any ad-interim reliefs. It had appeared on the board several times but for some reason or the other was not taken up for admission. On 29th February, 2016 as none was present on behalf of the appellants, it was adjourned to 21st March, 2016, by way of last

chance for arguments for admission. During the interregnum the suit became ready for trial. Mr. Kulkarni, the learned advocate for respondent no.5 points out that the affidavit of examination-in-chief of the appellants has been filed and that the witness of the appellants is to be cross-examined by the respondents. Since the trial in the suit has already commenced and since no ad-interim order in operation during the pendency of the appeal for four years, there is no need to consider the merit of the appeal. The appeal is therefore dismissed.

2. In view of the dismissal of the appeal, Civil Application No.1271 of 2013 does not survive. The same is accordingly disposed off.

[Smt. R. P. SondurBaldota, J.]