

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11759 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr Pratap Patil, Advocate for Petitioner.
Mr. Akshay Kulkarni i/b. A.M. Kulkarni,
Advocate for the respondents.

CORAM : R.G.KETKAR,J.

DATE : 29/04/2016

P.C:

1. Heard Mr.Pratap Patil, learned Counsel for the petitioner and Mr.Akshay Kulkarni, learned Counsel for the respondents.

2. By this petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 30.7.2015 passed by the learned District Judge-2, Sangli in Misc. Civil Appeal No.56/2010. By that order, learned District Judge allowed the appeal and quashed and set aside the judgment and order dated 4.3.2010 passed by learned Civil Judge, Junior Division, Vita below Exhibit-5 in R.C.S. No.12/2010.

3. Mr.Patil submitted that as the

injunction order was vacated by the learned District Judge and the respondents have completed the construction, this Petition has become infructuous. He, however, submitted that the learned trial Judge may be directed to dispose of the suit uninfluenced by the observations as regards maintainability of the suit. Mr.Kulkarni submits that the learned trial Judge may be directed to decide the suit on the basis of the evidence on record and in accordance with law keeping all contentions of the respondent open. In view thereof, Petition is disposed of as infructuous. Learned trial Judge will decide the suit uninfluenced by the observations made by learned District Judge as regards maintainability of the suit and decide the suit on the basis of the evidence on record and in accordance with law. Order accordingly.

(R.G.KETKAR, J.)