

WRIT PETITION NO. 357 OF 2016

...PETITIONER

VERSUS

...RESPONDENT

■ ■ ■

Mr. G.N. Kulkarni, Advocate for Petitioner
Mr. V.C. Solse, Advocate for Respondent sole.

CORAM : NITIN W. SAMBRE, J.
DATED : 22nd NOVEMBER, 2017.

ORAL ORDER :-

1. It is not in dispute that Regular Civil Suit No.176 of 1997 instituted by the present petitioner for injunction was decreed in his favour and against the respondent, which decree of injunction has attained finality.
2. So far as Regular Civil Suit No.155 of 1999 out of which second appeal No. 308 of 2011 has arisen is concerned, the same is instituted by the respondent for possession. Admittedly, the respondent is in possession of the suit property.

3. In view thereof, the order impugned is not sustainable, whereby the proceedings being Miscellaneous Application No. 48 of 2011 preferred by the present petitioner, for breach of injunction, came to be stayed in view of pendency of second appeal No.308 of 2011.

4. For the aforesaid reason, the present petition stands allowed in terms of prayer clause (C).

5. Needless to say that this Court has not examined the merits of the case.

(NITIN W. SAMBRE, J.)

mta/-