

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****SECOND APPEAL NO.391 OF 2015
WITH
CIVIL APPLICATION NO.763 OF 2014
IN
SECOND APPEAL NO.391 OF 2015**

Shri. Jaywant Janaku Gawade

...Appellant
(Ori. Defendant)

vs.

Mahtma Gandhi Students Hostel, Chandgad
And Anr.

...Respondents
(Ori. Plaintiffs)

....

Mr. G.N. Salunkhe, for the Appellant.

Mr. V.S. Talkute, for Respondent Nos. 1 and 2.

....

CORAM : S.C. GUPTE, J.

DATED : 12 JANUARY 2017

P.C. :

. In this Second Appeal, both the Courts below have by concurrent orders directed the Appellant herein ((Original Defendant) by a mandatory injunction to remove or demolish a temporary shed raised by him on the suit property at his own cost. On the Appellant's failure to remove the shed within the stipulated period, the Respondents were at liberty to remove the shed in execution of the decree. During the pendency of the appeal, considering that there was no protective relief in favour of the Appellant, the Respondents have demolished the shed in

execution of the decree. The Second Appeal has, thus, become infructuous and the same is disposed of as such. No order as to costs.

2. In view of the disposal of the Second Appeal, the Civil Application does not survive and the same is also disposed of.

(S.C. GUPTE, J.)