IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1254 OF 2017
IN
WRIT PETITION NO. 5610 OF 2013

Sou Krishna Arun Mitra ...Applicant

In the matter between

Kripamayee Institute for Mental Health …Petitioner
vs.
Sou Krishna Arun Mitra ...Respondent

None for Applicant.
Mr.M.S. Topkar for Respondent.

CORAM : PRASANNA B. VARALE, J.

DATE : 9 AUGUST 2017

P.C. :

None for the Applicant.

2 By the present application, the Applicant prays for vacation of the interim relief, in alternative, hearing the petition by fixed date. The grounds raised in the application are that the Applicant was not heard while granting the interim relief. Secondly, it is submitted that the interim relief was granted without directing the Petitioner to deposit any amount and the Applicant is in financial hardship. Perusal of the orders placed along with the application, learned Counsel for the Respondent invited my attention to the orders passed by this court along with the application. By an order dated 29 July 2013, this court considering the grounds advanced by learned Counsel was of the opinion that the Petitioner had made out the case for

admission of the petition and ad-interim relief was granted while admitting the petition. The Respondent though was duly served, none appeared for the Respondent on 8 April 2014 nor any reply was filed. By order dated 8 April 2014, ad-interim relief granted was confirmed. Considering the above referred facts, in my opinion, no case is made out by the Applicant either for vacation of interim relief or early hearing by fixed date. The application thus being meritless deserves to be rejected. The same is, accordingly, dismissed.

(PRASANNA B. VARALE, J.)