

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 587 OF 2016
IN
WRIT PETITION NO.6526 OF 2014
WITH
WRIT PETITION NO.6526 OF 2014
WITH
WRIT PETITION NO. 687 OF 2015
WITH
CIVIL REVISION APPLICATION NO.132 OF 2010**

Miss. Anita Krishnarao Shirolkar
@ Mrs Janaki Vikas Morey

..Petitioner.

Vs

M/s. Nandan Builders, through
partner and Ors.

.. Respondents

Mr. Madhav Jamdar , Advocate for Petitioner in W.P/6526/2016.
Mr. S.S.Kanetkar, Advocate for Respondents no.1 and 2.
Ms. Pooja Kshirsagar a/w Shradha Achliya i/b ALMT Legal for
Respondent no.3.

**CORAM : R.G.KETKAR,J.
DATE : 24/02/2017**

PC:

1. Not on Board. At the request of Mr. Jamdar, taken up for admission. Heard Mr.Madhav Jamdar, learned counsel for the petitioner, Mr.S.S.Kanetkar, learned counsel for respondents no.1 and 2 and Ms.Pooja Kshirsagar, learned counsel for respondent no.3.

2. This is an application for modification of the order dated 6.1.2015 passed by this Court. By that order, notice was issued to the respondents and, in the meantime, ad-interim order in terms of prayer clause (b) of the petition was granted. By prayer

clause (b), the petitioner prayed for stay of further proceedings of Spl Civil Suit No.1421 of 2006 pending on the file of learned Civil Judge Senior Division, Pune.

3. It is not in dispute that the petitioner had filed application Exh.5 for injunction restraining the defendants from carrying out any construction activities in respect of properties described in paragraph 1(a) and (b) of the plaint. The petitioner also took out application Exh.7 for appointment of Court Receiver. By order dated 11.6.2009, the learned trial Judge rejected both the applications Exhibits 5 and 7.

4 In view thereof, the prayer made by the petitioner for modification of the said order thereby directing the trial Court to hear application Exhibit-150, cannot be considered as basically relief claimed in application Exhibit 150 was already rejected by the trial Court. Hence, no relief can be granted in this Civil Application and accordingly Civil Application is dismissed.

5. List these petitions, i.e W.P. No.6526 of 2014 and 687 of 2015 for admission on 24.3.2017, high on board.

(R.G.KETKAR, J.)