

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10958 OF 2016

**Shri. Vilas Rangrao Patil and others
Versus**

..Petitioners

Shri. Dilip Keshav Patil and others

..Respondents

Mr. T. S. Ingale for the Petitioners.

Mr. U. R. Mankapure for the Respondent Nos.1 & 3.

CORAM : R. M. SAVANT, J.

DATE : 1st MARCH, 2017

PC.

1 The concurrent orders passed by the Courts below i.e. Learned Civil Judge Junior Division, Islampur, rejecting application Exh.5 filed by the Petitioners and the order dated 22.08.2016 passed by the Appellate Court i.e. Learned District Judge-3, Islampur confirming the said order in Appeal is taken exception to by way of the above Petition. The said orders are founded on the fact that the application filed by the Respondents in the said Writ Petition i.e. the Respondent Nos.1 and 3 under Section 5 of the Mamlatdar's Court Act came to be allowed by the Tahsildar, Shirala and therefore no case for grant of the discretionary relief of temporary injunction was made out. The Appellate Court did not find any reason to interfere with the order passed by the Trial Court. Since thereafter the order passed by the Tahsildar was set aside by the

Sub Divisional Officer by order dated 10.05.2016, the instant Petition relies upon the said order to contend that the application Exh.5 ought to have been allowed by the Lower Appellate Court as by then the order passed by the Sub Divisional Officer was in the field. Since the order passed by the Sub Divisional Officer dated 10.05.2016 has been set aside by this Court in the companion Writ Petition Stamp No.22195 of 2016 status-quo ante stands restored as the Tahsildar's order now operates in the field. Hence on account of the setting aside of the order passed by the Sub Divisional Officer dated 10.05.2016 the challenge in the above Petition has turned infructuous. The Writ Petition is accordingly disposed of as having turned infructuous.

2 It would be contingent upon the order passed by the Sub Divisional Officer that the Petitioners would be entitled to renew their application for interim injunction in the changed circumstances.

[R.M.SAVANT, J]