

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO. 1123/2017 IN

SECOND APPEAL NO. 222/2000 WHICH IS DECIDED ON
23RD/24TH FEBRUARY 2017

**Shri Dattatraya Balaji Armarkar (dead) through Lrs. Smt. Sunanda wd/o Dattatraya Armarkar
and ors.**

V.

Nagpur Improvement Trust

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.K.Sabale the learned counsel for the applicants
Shri P.D.Khedikar the learned counsel for the respondent
holding for Adv. G.A.Kunte.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 30, 2017

Heard Shri S.K.Sabale the learned counsel for
the applicants and Shri Pratik Khedikar the learned counsel
for the respondent holding for Adv. Shri G.A.Kunte.

This is an application for extension of time of the
interim protection granted by this Court for further 10 weeks
from the date of the order dated 24/2/2017.

The present application is taken out by the appellants
whose second appeal is dismissed by this Court vide Judgment
dated 23rd/24th February 2017. At the time of dismissal of
second appeal, at the request of the learned counsel for the
appellants extended interim protection for a period of ten weeks
which was in operation. It would be useful to reproduce the
relevant portion of the judgment:-

“hence the interim protection already stands
extended for a further period of ten weeks; after expiry of
which, the same shall stand automatically vacated without
reference to the Court.”

Thus the interim protection which was extended by this Court was to expire after ten weeks. The ten weeks expired on 8th May 2017. Thus, as per the judgment of this Court, the interim protection granted, had automatically vacated on the expiry of the ten weeks. Though the application is filed on 8th May 2017, it appears that no steps were taken by the applicants to place the matter before the Hon'ble Vacation Judge. In that view of the matter, I am of the view that present application can not be granted as much as the interim protection has already vacated by efflux of time. Application is disposed of. No order as to costs.

JUDGE

RSG