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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8831 OF 2003**

Ashta Nagar Parishad, Ashta, Sangli

... Petitioner

Vs.

Bhupal Narsappa Vathare

... Respondent

None for the Petitioner.

None for the Respondent.

CORAM : A.S. OKA, J.

DATE : 21st MAY, 2018

ORAL JUDGMENT :

1 Called out before a Special Bench constituted to hear old writ petitions in Vacation.

2 None for the parties. The respondent is the original plaintiff who filed a civil suit in the Court of the learned Civil Judge, Junior Division, Islampur being R.C.S. No.154 of 2003. An application for temporary injunction was taken out in the said suit by the respondent plaintiff. By the order dated 14th August 2003, the said application was rejected. Being aggrieved by the said order, the respondent plaintiff preferred an Appeal before the learned Additional District Judge at Islampur. By the impugned Judgment and Order, the said Appeal has been allowed and temporary injunction in both prohibitory and mandatory form has been granted. By ad-interim order dated 9th December 2003, this Court stayed the impugned Judgment and Order of the District Court. While issuing Rule, by order dated 20th July 2005,

the ad-interim stay was continued as interim relief. Thus, the impugned order dated 17th October 2003 is not operative from 9th December 2003 till today for a period of more than 14 years. The impugned order is in the nature of an interim order till the disposal of the suit filed by the respondent. The suit is of the year 2003 which is unlikely to be pending as of today, as this Court had not stayed the suit.

3 Hence, this writ petition need not be kept pending and the same is disposed of by passing the following order :-

ORDER

- (i) If R.C.S. No.154 of 2003 which is the subject matter of this Petition is already disposed of, this petition will not survive;
- (ii) If R.C.S. No.154 of 2003 is pending, the ad-interim order passed by this Court dated 9th December 2003 will continue to operate till the disposal of the suit;
- (iii) All contentions on merits are kept open;
- (iv) The Petition is disposed of on above terms;
- (v) Rule is accordingly disposed of.

(JUDGE)