

Amk

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

**WRIT PETITION NO. 5406 OF 2010
WITH
CIVIL APPLICATION NO. 3275 OF 2015**

Shri Kashinath Eknath Pawar & Ors. .. Petitioners
Vs.
Shri Uttamrao Vittalrao Ghule & Ors. .. Respondents

Mr. Siddhesh Pilankar i/b Uday P. Warunjikar for the Petitioners.
Mr. V. R. Kasle i/b Sachin Khandagale for the Respondents.

CORAM : V. L. ACHLIYA, J.
DATE : 19th JANUARY, 2018.

P. C. :

1. Heard the learned counsel for the petitioners and respondents.

Perused the copy of the order dated 24.10.2016 passed by the learned Civil Judge, Junior Division, Saswad in Regular Civil Suit No. 35 of 2004. By the said order, the suit filed by the petitioners/plaintiffs has been dismissed for want of prosecution. Certified copy of the order dated 24.10.2016 tendered during the course of the submission is taken on record and marked as 'X' for identification. By the present petition, the petitioners have challenged the interim order i.e. grant of temporary injunction, passed during the pendency of the suit. In view of the dismissal of the suit, no cause survives to prosecute the petition challenging the interim order passed during the pendency of the suit. In this view, the petition became infructuous. Accordingly the petition is dismissed.

2. In view of the dismissal of the Writ Petition, Civil Application No. 3275 of 2015 stands disposed of in terms of the order in petition.

[V. L. ACHLIYA, J.]