

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

44 WRIT PETITION NO.3653 OF 2019

NAGINABEE SHAIKH YUSUF AND ANOTHER
VERSUS
SUBHADRABAI DEVRAO SALVE AND OTHERS

Advocate for Petitioners : Shri Amol M. Salok

CORAM : P.R.BORA, J.
DATE: 18th March, 2019

PER COURT:-

1 Heard the learned Counsel for the petitioners. Perused the impugned order.

2 Present petition is filed challenging the order passed by the Civil Judge, Junior Division, Jafrabad on 06.08.2018 below Exh.1 in Civil Miscellaneous Appeal No.25 of 2018. From the contents of the order, it appears that the aforesaid application was preferred by the decree holder for getting police aid for carrying out sowing operation and the Trial Court has allowed the said application with the following order:-

"ORDER"

- 1) Application is allowed.
- 2) The concerned Police Station shall provide police aid in terms of one male police constable and one lady police constable to the applicant for one day i.e. only for the cultivation of the suit property i.e.gat No.71, area 0.43 R out of 3 H. 98 R at village Borkhedi-gaiki, after accepting

requisite fees from the applicant and following due procedure for the same.

3) The record and proceeding of this application be kept with R.C.S.No.84 of 2016.”

3 It is evident from the aforesaid order that the Trial Court had granted the relief for a specific purpose i.e. carrying out sowing operations for the year 2018. In the circumstances, the present petition has become proprietyless. Had the order been acted upon, the petition has to be held infructuous and the said order if not acted upon, no interference may be warranted since the relief was only for the year 2018. There is, thus, no merit in the petition. Hence, the following order.

ORDER

The Writ Petition is dismissed, however, without any order as to the costs.

(P.R.BORA)
JUDGE

SPT