

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9401 OF 2015

Maharashtra Technical Education
Society and ors.

.. Petitioners

vs.

Vijay B. Pusalkar and ors.

.. Respondents

WITH

CIVIL APPLICATION NO.2709 OF 2015

WITH

CIVIL APPLICATION NO. 2293 OF 2016

WITH

CIVIL APPLICATION NO. 562 OF 2019

Mr. P.D. Pise for the Petitioner in WP 9401/15 and for the
Applicant in CAW 2709/15, 562/19.

Mr. A.P. Shinde for Respondent Nos.1 to 3 and for the
Applicant in CAW 2293/16.

CORAM : M. S. SONAK, J.

DATE : 23 APRIL 2019.

P.C. :-

1] Heard learned counsel for the parties.

2] According to me, the reliefs in this petition have been
rendered infructuous on account of subsequent
developments.

2] As noticed by this Court in order dated 4th February
2015, only issue involved in this petition was whether the
stay on further proceedings in the suit pending the final

disposal of Civil Revision Application No. 17 of 2012 will extend to proceeding in an appeal against interlocutory order made in the said suit. The Appeal Court had held that such a stay order pending Civil Revision Application No. 17 of 2012 will not apply to the proceedings before the Appeal Court. It is against this order dated 5th November 2014 that the present writ petition came to be filed.

3] Now there is no dispute that Civil Revision Application No. 17 of 2012 has itself been disposed of. Therefore, even assuming that the stay on the proceedings in the suit would extend also to the stay on the proceeding before the Appeal Court, as of today, there is no stay in operation consequent upon disposal of Civil Revision Application No. 17 of 2012. Accordingly, there is no question of any extension of stay before the Appeal Court.

4] The relief in this writ petition is accordingly rendered infructuous. This petition is disposed of as infructuous.

5] Civil Applications do not survive and the same are disposed of.

(M. S. SONAK, J.)

