

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

911 WRIT PETITION NO. 4430 OF 2005  
WITH CA/9749/2006 IN WP/4430/2005

KASHINATH S/O VISHWANATH DEVANGRE  
VERSUS  
VALJANATH S/O SANGAPPA SAMBHALE & ORS.

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Advocate for Petitioner : Mr. S. M. Vibhute  
Advocate for Respondent Nos. 2 to 4 : Mr. S. S. Halkude

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CORAM : V. K. JADHAV, J.  
DATED : 23<sup>rd</sup> JANUARY, 2020

**ORDER :-**

1. Learned counsel for the petitioner, on instructions, submits that during pendency of this Writ Petition, the suit bearing Regular Civil Suit No. 221 of 2003 came to be disposed off by the trial court (suit is dismissed). So far as this Writ petition is concerned, the trial court allowed the application for temporary injunction filed under Order XXXIX Rules 1 and 2 of C.P.C. and the petitioner/defendant had preferred Misc. Civil Application No. 25 of 2004. However, the appeal came to be dismissed by the District Court. Aggrieved by the same, the petitioner/defendant has preferred this Writ Petition.

2. In view of the same, if the suit is dismissed, nothing survives in this Writ Petition. The Writ Petition has become infructuous. The Writ Petition is hereby dismissed as infructuous. Rule Discharged.

3. Pending Civil Application also stands disposed off.

**( V. K. JADHAV, J.)**

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