

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

WRIT PETITION NO.6449 OF 2005

DATTARAM PAGOJI DHUMALE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

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AGP for Respondents : Mr. K B Jadhavar

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CORAM : V.K. JADHAV, J.
Dated : March 09, 2020

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PER COURT :-

1. None present for the petitioner.
2. This pertains to the temporary injunction order passed by the Trial Court. In a pending suit bearing R.C.S. No.16 of 2005 the Trial Court had granted temporary injunction in favour of the petitioner/plaintiff. Being aggrieved by the same, defendant No.5 has preferred M.C.A. No.53 of 2005. The 3rd Adhoc Additional District Judge, Nanded by judgment and order dated 2.7.2005 allowed the appeal, quashed and set aside the injunction order passed by the Trial Court dated 7.3.2005 and further directed the Trial Court to decide the point of maintainability of the

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suit in present form. The learned District Judge has further directed the Trial Court to independently decide the amendment if any, proposed by the plaintiff on its own merits. Being aggrieved by the same, the petitioner/plaintiff has preferred this Writ Petition. By passage of time, this writ petition has become infructuous. Moreover, as per the office note, the R.C.S. No.16 of 2005 also came to be disposed off during the pendency of this writ petition. In view of the same, writ petition is hereby disposed off as infructuous. Rule discharged.

(V.K. JADHAV, J.)

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