

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO.5177 OF 2007

PARAJI DAGADU LANDE
VERSUS
VIJAY@VIJU PARAJI LANDE

.....
Advocate for Petitioners : Mr. S G Bhor (absent)
Advocate for Respondents : Mr. L.V. Sangit
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CORAM : V. K. JADHAV, J.
DATED : 11th FEBRUARY, 2020

PER COURT:-

1. None present for the petitioner original plaintiff. Learned counsel for the respondent-defendant present.
2. The petitioner had instituted the suit bearing Regular Civil Suit No. 342 of 2005 and later on it was numbered as Special Civil Suit No. 113 of 2006 for declaration and injunction. Moreover, one Asaram @ Ashok Paraji Lande had also instituted R.C.S. No. 276 of 2001 for declaration. Both the suits were clubbed together and the learned Civil Judge, Senior Division Ahmednagar by common judgment, decreed the suit of the petitioner. Being aggrieved by the same, the respondent herein filed Regular Civil Appeal No. 316 of 2006 before the District Court, Ahmednagar. Pending the appeal, the petitioner filed an application Exh.20 for temporary injunction restraining thereby the respondent herein from alienating the suit property till final decision of the appeal. However, the learned District

Judge has rejected the said application on 21.4.2007. The appellant original defendant in the said Regular Civil Appeal No. 316 of 2006 had also filed an application to stay the impugned judgment and decree. The appellate court had rejected both the applications. By filing this writ petition by the petitioner has challenged the said order rejecting his application seeking injunction.

3. By order dated 4.7.2008 while granting Rule, this Court has directed the respondent herein not to create any third party interest. During pendency of this writ petition, as per the information furnished by the office, the said appeal bearing Regular Civil Appeal No. 316 of 2006 came to be disposed of on 13.9.2019. In view of the same, this writ petition has become infructuous and the same is disposed of accordingly. Rule discharged.

(V. K. JADHAV, J.)

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