

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

**15 WRIT PETITION NO.6116 OF 2009**

SUBHASH POPAT JADHAV AND OTHERS  
VERSUS  
VILAS POPAT JADHAV

...

Advocate for Petitioners : Mr. Shirsath P. B.  
Advocate for Respondent : Mr. Ganesh Kedar h/f Mr. Karad  
Atul M.

...

**WITH**

**WRIT PETITION NO.745 OF 2009**

VILAS POPAT JADHAV  
VERSUS  
SUBHASH POPAT JADHAV AND OTHERS

...

Advocate for Petitioner : Mr. Ganesh Kedar h/f Mr. Karad A.M.  
Advocate for Respondents : Mr. Shirsath P. B.

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**CORAM : V. K. JADHAV, J.**  
**DATE : 17.02.2020**

**PER COURT :-**

1. Heard both the sides.
2. The petitioners in Writ Petition No.6116 of 2009 are the original defendants whereas the petitioner in Writ Petition No.745 of 2009 is the original plaintiff. The plaintiff has instituted Regular Civil Suit No.167 of 2007 for decree of perpetual injunction. By judgment and decree dated

22.11.2012, the Trial Court has decreed the suit. Being aggrieved by the same, the original defendants have preferred Regular Civil Appeal No.7 of 2012 and the First Appellate Court has dismissed the same by confirming the judgment and decree of the Trial Court. Being aggrieved by the same, the defendants have preferred the appeal bearing Second Appeal No.776 of 2013 before this Court and during pendency of the said Second Appeal, the parties have arrived at amicable settlement and the terms of the compromise were reduced into writing and placed before this Court in the pending Second Appeal. In terms of the said compromise, Second Appeal came to be disposed off by order dated 06.08.2014. The learned counsel for the petitioners in Writ Petition No.6116 of 2009 has placed on record the copy of the order passed by this Court on 06.08.2014 in Second Appeal No.776 of 2013 along with the consent terms. The same is taken on record. The learned counsel for the respondent / plaintiff submits that however, after disposal of the said Second Appeal, the respondent / plaintiff has filed the Contempt Petition for non-compliance of the terms of the compromise and subsequently withdrawn the said Contempt Petition with liberty to apply for clarification of

the order dated 06.08.2014 passed in Second Appeal No.776 of 2013.

3. Writ Petition No.6116 of 2009 has been preferred against the order passed by the Trial Court on the application submitted by the respondent / plaintiff, allowing him to seek police aid at his cost to the extent of implementation of the order below Exh.5 in the suit. So far as the Writ Petition No.745 of 2009 is concerned, the same has been preferred against the order passed by the Adhoc District Judge-1, Kopergaon dated 06.12.2008 in Miscellaneous Civil Appeal No.21 of 2008 preferred by the original defendants against the order of temporary injunction passed in favour of the respondent / plaintiff.

4. In view of the disposal of the suit as detailed in the foregoing paras and so also the first appeal, both the writ petitions have become infructuous and disposed off accordingly.

5. Rule discharged.

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

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vmk/-