

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION (ST.) No. 3303 of 2020
IN
WRIT PETITION NO. 7937 of 2009**

Vishwanath V. Kulkarni (Since Decd)	
through his Lrs. & Ors.	... Applicants/Petitioners
vs.	
Shrikant Krishnaji Kulkarni	... Respondent

Mr. Rajesh S. Datar for the applicants/petitioners.

**CORAM :- G. S. KULKARNI, J.
DATE :- FEBRUARY 5, 2021**

PC :-

1. By an order dated 22 February, 2011, this writ petition was admitted and interim relief came to be granted in terms of prayer clause (b). The said order reads thus:

“In view of the judgment of Division Bench of this Court in *Nilesh Construction Company & Anr. vs. Gangubai w/o. Bablya Choudhary & Ors. Reported in 1982 MH.L.J. 664* and of the learned Single Judge in the case of *Makbul Rasal alias Babalal vs. Dastagir Dada Jamdar reported in 2003 I MLJ 353*, issue Rule.

Upon hearing parties, interim relief in terms of prayer clause (b).”

2. By this Application, a prayer is made seeking a clarification as to whether the interim relief which was granted by the said order dated 22 February 2011 would remain restricted upto 31 October 2018 by virtue of the order dated 3 October, 2018 passed by this Court (Coram : R.D.

Dhanuka, J.), which reads thus:

“Due to paucity of time, stand over to 30/10/2018. Ad-interim relief if any to continue till then.”

3. Perusal of the order dated 22 February, 2011 would clearly show that the interim relief which was granted by this Court was to operate till the final disposal of the Writ Petition. The order dated 3 October, 2018 in no manner has disturbed such position as put into operation by the order dated 22 February, 2011.

4. Accordingly, it is clarified that the interim relief granted by this Court in terms of prayer clause (b) by the order dated 22 February, 2011 while admitting the writ petition, would continue to operate till the final disposal of the petition.

5. Interim Application is accordingly disposed of in the above terms.
No costs.

(G. S. KULKARNI, J.)