

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2450 OF 2021

IN

SECOND APPEAL NO. 686 OF 2011

Mohan Maruti Jadhav

... Applicant/Appellant

V/s.

Kisan Maruti Jadhav & Ors.

... Respondents

Mr.Satyajeet Dighe i/b. Mr.Sagar Kasar and Mr.Dnyaneshwar Jaibhave for Applicant/Appellant.

Mr.Prabhanjan Gujar for Respondent Nos.1 and 2.

CORAM : A.S. GADKARI, J.

DATE : 27th September 2021.

PC. :

1. By the present application, the Applicant/Appellant, original plaintiff, has sought for following relief.

“(a) Pending the hearing and final disposal of the accompanied Second Appeal, the Respondents be restrained from disturbing peaceful possession of the Applicants over subject land.”

2. Record indicates that, by an Order dated 10th October 2012 in Civil Application No. 641 of 2009 the prayer for similar relief has already been rejected by the predecessor-in-title of this Court. In the said Order dated 10th

October 2012, it has been observed that, since 17th August 2002, i.e. the date of dismissal of suit of the Applicant, there is no Order of injunction against the Respondents.

In view thereof, there is no need to grant any interim relief in favour of the Applicant/Appellant at such a belated stage.

3. Application is accordingly dismissed in *limine*.

4. It is needless to mention that, even if the Respondents take possession by adopting due procedure of law, their possession will be subject to final outcome of the present Second Appeal.

[A.S. GADKARI, J.]

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