

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 WRIT PETITION NO.6306 OF 2022

IRABA BABRAO LADEKAR
VERSUS
SHESHABAI MAROTI DAFADE AND OTHERS

...
Advocate for Petitioner : Mr. Kolhare S.R.
...

CORAM : MANGESH S. PATIL, J.

DATE : 7 JULY 2022

PC :

Heard learned advocate for the petitioner.

2. The petitioner is aggrieved by rejection of his application by the trial court seeking an *ad interim exparte* temporary injunction restraining the respondents - defendants from creating any third party interest in the suit property.

3. Learned advocate for the petitioner submits that since his application was rejected by the order under challenge in this writ petition, the respondent has already sold the suit property to respondents no. 2 to 5. Subsequently, the plaint has been amended. Respondents no. 2 to 5 have been arrayed as defendants.

4. Going by the relief being claimed in the application for temporary injunction (Exhibit – 5), the petitioner was merely seeking a temporary injunction restraining the respondent no. 1 from alienating the suit property. On the petitioner's own showing, the prayer has

become *infructuous*, she having sold the suit property to rest of the respondents.

5. In view of such peculiar state-of-affairs, there is no substance in the petition. It is dismissed.

[MANGESH S. PATIL]
JUDGE

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