

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 WRIT PETITION NO.9002 OF 2022

SANJAY ANNARAO SURYAWANSHI AND ANOTHER
VERSUS
SUNIL ANNARAO SURYAWANSHI AND OTHERS

...
Advocate for Petitioners : Mr S.S. Gangakhedkar
Advocate for Respondent No. 1 : Mr S.V. Natu

CORAM : SANDEEP V. MARNE, J.
DATE : 28th NOVEMBER, 2022

PER COURT :

1. By this petition, petitioner challenges the Judgment and order dated 5th May, 2022 passed by the District Judge, Nanded in dismissing Misc. Civil Application No. 75/2021 and confirming the order dated 26th October, 2021 passed by 5th Jt. Civil Judge Senior Division, Nanded on application Exh.5 in RCS No.69/2021.

2. The trial court has partly allowed application for temporary injunction and thereby has restrained defendant No. 1 from alienating or creating third party interest over the suit property till disposal of the suit. Petitioner was aggrieved by order dated 26.08.2021 to the limited extent on refusal of prayer for direction to defendant No.1 to deposit the amount of rent in the Court. The lower appellate court proceeded to dismiss the appeal by order dated 5th May, 2022.

3. Mr. Natu, learned counsel appearing for respondent No.1 makes a statement that the tenant, who was occupying the suit premises at the time of passing of order of the injunction by the trial court is no

longer occupying the premises and the same is vacated. The trial court has already restrained defendant No.1 from creating any third party right in the suit property. This would mean that the defendant No.1 is restrained from putting any other person as a tenant or licensee in the suit property. In that view of the matter, plaintiff/petitioners prayer for deposit of rent has become infructuous.

4. With the above observations, the writ petition is disposed of. There shall be no order as to costs.

[SANDEEP V. MARNE, J.]

mta