

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 5014 OF 1999

Shri Vithoba Babu Tamhanekar ...Petitioner

Versus

Shri Ramchandra Mahadeo Sawant
& Ors. ...Respondents

....

None for the Petitioner.

Mrs. Kirti R. Kulkarni, A.G.P. for respondent No.4-State.

....

CORAM : R. G. KETKAR, J.

DATE : 31st MAY, 2017

P.C.

1. None for the petitioner. Heard Mrs.Kirti R. Kulkarni, learned A.G.P. for respondent No.4-State.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 23.7.1999 passed by the learned Additional District Judge, Sindhudurg-Oras in Civil Misc. Appeal No.58/1996. By that order the learned District Judge allowed the appeal preferred by respondent No.1/defendant No.1 and set aside the judgment and order dated 31.8.1996 passed by the learned Civil Judge, Junior Division, Kankavali below Exhibit-5 in Regular Civil Suit No.29/1996. By order dated 31.8.1996, the trial Court allowed

application at Exhibit-5 filed by the petitioner/plaintiff for temporary injunction restraining the defendant from closing the foot-way.

3. After hearing the learned Counsel for the petitioner and learned A.G.P. for the State, this Court admitted the petition on 8.9.1999 by issuing Rule and the impugned order dated 23.7.1999 was stayed with a further direction to the trial Court to decide the suit expeditiously.

4. Ms. Kulkarni, upon taking instructions, states that the suit was decreed in favour of the petitioner/plaintiff on 31.10.2000. As the petition challenges interlocutory order passed by the learned District Judge pending the suit which was also stayed by this Court and further having regard to the fact that the main suit itself is disposed of, this Petition has become infructuous. Petition is accordingly disposed of as infructuous. Rule is discharged. In the circumstances of the case, there shall be no order as to costs.

5. As the petitioner and his Advocate are not present, office is directed to send a copy of this order to the petitioner and his Advocate.

(R. G. KETKAR, J.)