

ORDER BELOW EXHIBIT 125 IN RCS NO. 12/2014

(Passed on 21/04/2018)

The present application is moved by the plaintiff under order 39 Rule 1 and 2 of the code of Civil Procedure [hereinafter for short 'the C.P.C.'].

2] It is contended by the plaintiff that vide order below Exhibit 56 and 101, Vignahar Sugar Factory was directed not to disburse the payment of sugarcane supplied to them by the plaintiff and the defendants. Defendant No. 4 had not supplied sugarcane to Bhimashakar Sugar Factory at that time. Recently he has supplied sugarcane to Bhimashankar factory. He is also selling the sugarcane to private persons. It is contended that the plaintiff will suffer irreparable loss if the defendants are not restrained from such act. Hence, it is prayed that defendant No. 4 be restrained from selling sugarcane to private persons and Bhimashankar Sugar Factory be restrained from disbursing the payment to the defendants. Per contra, the defendants filed a pursis at Exhibit 129 stating that the payment of sugarcane is already disbursed on 14/02/2018.

3] Heard. Perused the application, say and the record of the case.

4] After the defendants filed the pursis, the plaintiff preferred another application at Exhibit 129 with a prayer that defendant No. 4 be directed to deposit the payment of sugarcane in the court. The plaintiff has not disputed the fact that payment of

sugarcane supplied by defendant No. 4 is disbursed. In fact, in the application at Exhibit 129 it is prayed that defendant No. 4 be directed to deposit the said payment in the court. Thus, it appears from the say of the defendants and the contents of the application at Exhibit 129 that the present application has become infructuos. The application at Exhibit 129 supports the say of the defendants that the application has become infructuos as the payment is already disbursed. Hence, the present application is liable to be filed. Hence, the order-

ORDER

The application (Exhibit 125) is filed.

Date : 21/04/2018
Place : Ghodegaon

Bhanupratap B Chouhan
Jt. Civil Judge Junior Division.