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SLP(C)No. 17447 OF 1999

ITEM No.202

Court No. 5

SECTION IX
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.17447/1999

(From the judgement and order dated 13/10/1999 in CRA 1146/99
of The HIGH COURT OF BOMBAY)

S.N.KULKARNI

Petitioner (s)

VERSUS

S.P.GAYAWAL & ORS.

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 09/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. Uday Umesh Lalit,Adv.
Mr. Y.G. Shinde, Adv.

For Respondent (s) Mr. Sushil Kumar Karanjakar, Adv.
Dr. Nafis A. Siddiqui,Adv.

Mr. V.N. Ganpule, Sr. Adv.
Mr. Ashok Kumar Singh,Adv.

Mr. Ravi Adsure, Adv. for
Mr. Gopal Balwant Sathe,Adv.

UPON hearing counsel the Court made the following
O R D E R

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.SP2

Leave granted.
The appeal is disposed of in terms of the signed
order.

.SP1

(K.K. Chawla)
Court Master

(H.K. Bhatia)
Court Master

[Signed order is placed on the file]

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CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1150 OF 2001@@
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(Arising out of SLP(C) No.17447 of 1999)

S.N.KULKARNI

... APPELLANT

VERSUS

S.P.GAYAWAL & ORS.

... RESPONDENTS

O R D E R@@
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.SP2

Leave granted.

On 6.12.1999, this Court directed status quo to be maintained in the meantime. We are told that between the parties a partition suit is pending before Civil Judge, Junior Division, Bhore, District Pune. Though we are very much distressed if not stunned when we heard that it was a suit of 1986 which has not even reached the stage of preliminary decree. Learned counsel for the parties appearing now submitted that a motion would be made before the trial court for expeditious disposal of the said suit. Till the said suit is disposed of by the trial court, the status quo will continue. This is without prejudice to the power of the trial court in the partition suit to pass any interim orders relating to the subject matter of the suit.

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In view of this order, it is needless to say that the suit for injunction from which the present appeal arose has become infructuous. The parties can now seek their reliefs in the partition suit mentioned above. With these observations, the appeal is disposed of.

.SP1

.....J.
(K.T. Thomas)

.....J.
(R.P. Sethi)

New Delhi,
February 09, 2001.