

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPEAL FROM ORDER NO. 38 OF 2004
WITH
C.A. NO. 4761/2004 IN A.O. NO. 38/2004
(Seema Sharad Mutha and others Vs. Excellent
Construction Private Ltd. and others)

Mr. R.R. Mantri, Advocate for the appellants/applicants
Mr. V.D. Sapkal, Advocate holding for Mr. Vivek V.
Kabade, Advocate for respondent No. 1
Appeal is dismissed against respondent No.2 vide
Court's order dated 20.04.2007 passed in Civil
Application No. 4761/2004

CORAM : M.T. JOSHI, J.
DATE : 24/06/2015

ORAL ORDER :

1. Mr. R.R. Mantri, learned counsel for the appellants and Mr. V.D. Sapkal, learned counsel for respondent No. 1 submit before me that instead of passing any order on merit of the case, the impugned order may be continued with direction to the learned Judge of the trial court to take efforts for expeditious hearing of the suit. It is also agreed that in case the conclusion of the trial is delayed beyond six months due to any action or in-action on the part of respondent No.1 i.e. the original plaintiff, the present appellants

would be entitled for filing an application for variation in the impugned order of injunction passed by the learned trial court.

2. The submissions are reasonable. In the circumstances, the present appeal from order as well as civil application are hereby disposed of without any order on merit, in terms of above statements. No order as to costs.

[M.T. JOSHI]
JUDGE

npj/ao38-2004