

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**Appeal from Order No.71 of 2013
With
Civil Application No.8897 of 2013**

M/s Shree Balaji Agencies, Thane. .. **Appellant.**

Versus

Tapi Irrigation Development
Corporation, Jalgaon. .. **Respondent.**

Shri. Subodh P. Shah, Advocate, for appellant.

Shri. S.D. Dhongde, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 12th AUGUST 2015

ORDER:

1) The appeal is filed to challenge the order made on Exhibit 6 in Special Civil Suit No.53/23013 which is pending in the Court of the Civil Judge, Senior Division, Jalgaon. The Civil Court has refused the relief of temporary injunction claimed by the plaintiff to restrain the defendant from recovering the amount with interest demanded by the defendant. It appears that this Court

granted interim relief to the appellant contractor and it is in existence right from filing of the present proceeding i.e. 6-8-2013.

2) The suit is filed by the contractor against the action of the Corporation of recovery of some amount. The submissions made show that the advance amount is already recovered and there will be dispute if any about the interest and the liability of the contractor to pay such interest. As this dispute can be resolved in the suit itself this Court holds that the interim relief granted by this Court can be continued till the decision of the suit. In those terms the appeal is allowed. The order made by the trial Court is modified. Civil Application is disposed of. All the points are kept open.

Sd/-
(T.V. NALAWADE, J.)

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