

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 1222 OF 2014

Madhu Dharampal Gupta.	...	Applicant.
V/s.		
Praveen Akeel Aga and another.	...	Respondents.

Vishal Ghosalkar for the applicant.

Manoj Mhatre for the respondents.

CORAM : R.D. DHANUKA, J.

DATED : 14th December 2015.

PC.

By this appeal from order, the appellant has impugned the order dated 10th January 2013 passed by learned trial Judge allowing notice of motion taken out by the respondents- plaintiffs thereby granting injunction against the appellant in suit for specific performance. The said order dated 10th January 2014 passed by the learned trial Judge is in force and is not stayed by this Court.

2. The learned counsel appearing for the parties submit that written statement filed by the appellant is taken on record by the learned trial Judge. Both parties are agreed to proceed with the trial and jointly request for direction to expeditious disposal of the suit.

3. In view of written statement filed by the appellant now, both the parties are at liberty to apply for re-framing of issues. Learned trial Judge to re-frame the issues.

4. The learned trial Judge shall dispose of suit without influenced by the observations made in the order dated 10th January 2014 and shall decide the same on its own merits. It is made clear that this Court has not expressed any views on the merits of the matter.

5. Appeal from order is disposed of. In view of disposal of appeal from order, civil application does not survive and stands disposed of accordingly. No order as to costs.

(R.D. DHANUKA, J.)