

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
WRIT PETITION NO. 2736 OF 2002**

M/s. Midex Overseas Ltd.

....Petitioner.

Vs.

Hiraji Shamrao Sarnobat & Ors.

....Respondents.

Mr. Prasad B. Kulkarni i/by P.S. Dani for the Petitioner.

None for the Respondents.

CORAM:- ANOOP V. MOHTA, J.

DATE :- 17 FEBRUARY 2015.

P.C:-

Called out from the final hearing board.

2 The Petitioner has challenged order dated 15 April 2002, whereby, the injunction Application of the Disputant was partly allowed. While admitting the Petition, this Court on 2 May 2002 permitted the Petitioner to lift the Molasses subject to depositing the amount payable under the contract. The matter is pending since then. There is nothing on record to show that there is any non-compliance of order so passed. The Petitioner therefore, must have acted on the basis of the interim order in the year 2002 itself. The order is also unconditional. Even if they have not complied with the order, the molasses in question cannot be and could not have been kept unlifted. Therefore, the Petition is disposed of as infructuous, with liberty. All points are kept open.

3 Rule discharged accordingly. No costs.

(ANOOP V. MOHTA, J.)