

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 939 OF 2008  
WITH  
CIVIL APPLICATION NO. 1130 OF 2008 IN A.O. NO. 939 OF 2008**

M/s. Unique Gruh Nirman Pvt. Ltd. & Ors. ... Appellant/Applicant  
VS.  
Padmakar Tulsiram Patil & Ors. ... Respondents

Mr. N.V. Walawalkar, Senior Advocate i/b. Mr. A.R. Shaikh, Advocate for the appellant/applicant.

Mr. G.M. Savagave, Advocate for respondent no. 8.

Mr. M.S. Lagu, Advocate for respondent no. 15.

CORAM: **MRS.MRIDULA BHATKAR, J.**  
DATE : **1<sup>st</sup> September, 2015**

**P.C.:**

The learned senior counsel for the appellant pointed out the order dated 3<sup>rd</sup> October, 2008 passed by this Court at the time of admission of Appeal from Order. In paragraph 10 of the said order, the order of injunction granted against defendant nos. 8, 9 and 10/appellants restraining them to carry out the construction over the suit property till disposal of the suit or till get partitioned one half undivided share of defendants nos. 1 to 6 assigned by an agreement dated 6<sup>th</sup> April, 1992, was stayed pending hearing of this Appeal from Order.

2. The learned counsel for the appellant has submitted that as the said order of injunction was stayed in the year 2008, till today the appellant have completed the entire construction of buildings and

therefore, he prays that the original suit be expedited and Appeal from Order can be disposed of.

3. The learned counsel for the respondents is present.

4. By virtue of order dated 3<sup>rd</sup> October, 2008, in effect, the injunction granted by the trial Court was vacated and thereafter construction was completed.

5. In view of this submissions and subsequent development, the order of the trial Court has become ineffective and hence the order of the trial Court is set aside. The trial Court to endeavour to try and decide the suit till 29<sup>th</sup> February, 2016.

6. Appeal from Order is disposed of.

**(MRS.MRIDULA BHATKAR, J.)**