

Excellence Shelters Private Limited,]
Through Authorized Signatory]
Mr. Gorakshanath Vishwanath Salunke.] ... Petitioner

Suman Rajendra Borahade and Others.] ... Respondents

CORAM :- M. S. SONAK, J.
DATE :- APRIL 06, 2015

1. This petition challenges the Order dated 15/11/2014 by which a temporary injunction has been granted against the Petitioner from making any sort of construction or development in the suit property till the decision of the suit on merits.

2. On perusal of the Order, the same is relatable to the exercise of power under Section 39 Rules 1 and 2 of the CPC. Accordingly, the impugned order is appellable under Order 43 of the CPC.

3. In view of the aforesaid, there is no necessity to entertain the present petition.

4. The learned Counsel for Petitioner, however, states that the Petitioner shall institute an Appeal before the appropriate Appeal Court within a period of two weeks from today. In case such Appeal is instituted, then the Petitioner shall be entitled to contend that the period spent in this Court seeking recourse against the impugned order was period which was spent bonafide. Accordingly, such period be taken into consideration, while deciding the issue of limitation in the institution of the Appeal.

5. With the aforesaid observations, this petition is disposed of. There shall be no order as to costs.

6. It is made clear that this Court has not examined the matter on merits and therefore all contentions of all parties are left open to be decided on its own merits and in accordance with law.

(M. S. SONAK, J.)