

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

APPEAL AGAINST ORDER NO.79 OF 2014

(Shri Nagesh s/o Rajesh Dubey and another ..vs.. Shri Bharatdas s/o Koushaldas Vaishnav and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 28-01-2015

Heard Shri P.R. Puri, the learned Advocate for the appellants and Shri I.S. Charlewar, the learned Advocate for the respondent No.1.

2. This appeal under Order XLIII Rule 1(r) of the Civil Procedure Code is filed by the appellants challenging the order passed by the trial Court below Exhibit 1 and Exhibit 131 on 26-6-2014 directing all the parties to the suit and the proposed parties to maintain *status quo*. The submission on behalf of the appellants is that when the impugned order was passed, the appellants were not impleaded as party to the civil suit and they were served only with notice and not the suit summons and pursuant to the notice, they filed reply (Exhibit 146). The learned Advocate for the appellants as well as the learned Advocate for the respondent No.1 are not in a position to point out the date on which the appellants were impleaded as party to the civil suit.

Considering the directions given by the learned trial Judge that proposed parties shall maintain the *status quo*, the appellants are permitted to file proper application before the trial Court for modification of the order of injunction, if so advised.

3. With these observations, the appeal is disposed.
No costs.

JUDGE

pma