

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.725 OF 2015

WITH
CIVIL APPLICATION NO.880 OF 2015
IN
APPEAL FROM ORDER NO.725 OF 2015

Waman P. Salve, since deceased,
through His L.Rs. - Thakubai W. Salve & Ors. ...Appellants

V/s.
Dattatray P. Bune & Ors. ...Respondents

Mr.Tushar Sonawane for the Appellants.

Mr.Girish Agrawal for the Respondent No.2.

Mr.Jayesh Mistry i/b RMG Law for the Respondent No.4.

CORAM : R.D. DHANUKA, J.
DATE : 21ST DECEMBER, 2016.

P.C. :-

1. By this appeal from order, the appellants have impugned the order passed by the learned trial Judge below Exhibit 5 on 9th February, 2015, rejecting the said application. It is not in dispute that there was ad-interim injunction in favour of the appellants passed in the said application (Exhibit – 5) since 11th March, 2005 and was in force till the disposal of the said application on 9th February, 2015.

The said *ad-interim* order was continued by this Court by an order dated 18th January, 2016.

2. All the defendants to the said suit have filed their written statement. The suit is of the year 2005. In these circumstances, in my view interest of justice would be met with if the *ad-interim* order which was in force in favour of the appellants during the pendency of the said application (Exhibit – 5) and continued by this Court is continued till the disposal of the suit and hearing of the said suit is expedited.

3. All parties present before this Court agree that they will co-operate with each other and also with the learned trial Judge in expeditious disposal of the said suit. The statement is accepted.

4. Hearing of Special Civil Suit No.55 of 2005 is expedited. Learned trial Judge shall make an endeavor to dispose of the said suit within two years from the date of this order being communicated by the parties.

5. It is made clear that this Court has not expressed any views on the merits of the matter. Learned trial Judge shall decide the said suit without being influenced by the observations made by the learned trial Judge in the impugned order and shall decide the same in accordance with law and on its own merits.

6. The appeal from order is disposed of in aforesaid terms.

7. In view of disposal of the appeal from order, Civil

15-ao725-15

Application No.880 of 2015 does not survive and is accordingly disposed of.

(R.D. DHANUKA, J.)