

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2622/2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Sachin Dhakephalkar for the petitioner
Mr. Ajit J. Kenjale for the respondent No.1.

CORAM : K. K. TATED, J.
DATE : JUNE 24, 2016

P.C.:

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioner plaintiff challenges the order dated 29.12.2015 passed by the District Court in Misc. Civil Appeal No.19/2015 setting aside the order dated 26.03.2015 passed by the Trial Court granting temporary injunction against the respondent defendant.

2. During the course of arguments, the learned counsel for the respondent defendant No.1 made a statement that during pendency of the Special Civil Suit No. 5/2015, she will not dispose off the suit property by outright sale. In support of it, respondent defendant No.1 filed an undertaking dated 24.06.2016. Same is taken on record and marked "X" for identification. Respondent No.1 is present in court. Her undertaking is accepted.

3. The learned counsel for the petitioner submits that in view of the undertaking given by respondent No.1 dated 24.06.2016, he does not press other reliefs claimed by them.

4. Considering the submissions made by the learned counsel for the petitioner and the undertaking dated 24.06.2016 given by respondent defendant No.1, following order is passed:

a. Writ Petition stands disposed of in view of the undertaking dated 24.06.2016 given by respondent defendant No.1.

b. Liberty granted to the parties to move the Trial Court for early hearing of the Special Civil Suit No. 5/2015, which will be decided on merits.

JUDGE