

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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**APPEAL FROM ORDER NO. 980 OF 2015
WITH
CIVIL APPLICATION NO. 1201 OF 2015
IN
APPEAL FROM ORDER NO. 980 OF 2015**

M/s. HB-KJ and Advance & Ors. ...Appellants

Versus

Mr. Akshat Mahendra Jain & Ors. ...Respondents

**WITH
APPEAL FROM ORDER NO. 981 OF 2015
WITH
CIVIL APPLICATION NO. 1202 OF 2015
IN
APPEAL FROM ORDER NO. 981 OF 2015**

M/s. HB-KJ and Advance & Ors. ...Appellants

Versus

Mr. Mahendra Champalal Jain & Ors. ...Respondents

**WITH
APPEAL FROM ORDER NO. 1165 OF 2015
WITH
CIVIL APPLICATION NO. 1463 OF 2015
IN
APPEAL FROM ORDER NO. 1165 OF 2015**

M/s. HB-KJ and Advance & Ors. ...Appellants

Versus

Mrs. Teena Roshan Jain & Ors.

...Respondents

.....

Ms. Pooja Kshirsagar a/w. Mr. Ranjit Shetty, Ms. Amrita Sarkar i/b Argus Partners for the Appellants.

Mr. Wasim Qureshi a/w Mr. Uzair Kazi i/b Unmesh Breed for Respondent Nos.2 to 5.

CORAM : G. S. KULKARNI, J.

DATE : 2nd MAY, 2016.

P. C. :

1. These three appeals are preferred by the appellant M/s. HB-KJ and Advance & Ors. against the individual orders dated 21.11.2014 passed by the learned Civil Judge Senior Division, Pune in Special Civil Suit No. 567/2013, 568/2013 and 569/2013 whereby the injunction application below Exhibit 5 as filed on behalf of each of the original plaintiffs who are respondent No.1 in each of these appeals came to be granted.

2. These appeals were heard on the earlier occasion and the same were posted today for passing final orders when learned counsel for respondent No.1/original plaintiff in each of these appeals, on instructions from his clients who are present in the Court, makes a statement that the original plaintiffs in Special Civil Suit No. 567/2013, 568/2013 and 569/2013 (respondent No.1 in each of the

present appeals) agree that the impugned order dated 21.11.2014 passed on application below Exhibit 5 in each of these suits namely Special Civil Suit No. 567/2013, 568/2013 and 569/2013 be set aside and that the parties be relegated to the Trial Court to be heard on the merits of the suit.

3. In view of the above statement as made on behalf of original plaintiff in each of these suits (respondent No.1 in the present appeals), the impugned order dated 21.11.2014 passed by the learned Trial Judge is quashed and set aside.

4. Learned counsel for the parties inform that the written statements are already filed on behalf of the defendants. Considering the facts and circumstances of the case, it would be appropriate for the parties to request the Trial Court to take the hearing of the suits.

5. The parties undertake to co-operate with each other in the disposal of the civil suits in question. The learned Trial Judge shall endeavour to dispose of the suits as expeditiously as possible and within a period of one year from today as the suit pertain to the year 2013 involving a commercial cause.

6. The Appeals from Order are accordingly disposed of in the above terms.

7. The Civil Applications do not survive and are accordingly

disposed of.

8. All the contentions and rights of the parties on the merits of the matter are expressly kept open to be agitated in the pending suits.

(G. S. KULKARNI, J.)