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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.958 OF 2015
WITH
CIVIL APPLICATION NO.1174 OF 2015
IN
APPEAL FROM ORDER NO.958 OF 2015

Javed F. Tapia	...Appellant
V/s.	
Sharad U. Pathare & Ors.	...Respondents

WITH
APPEAL FROM ORDER NO.959 OF 2015
WITH
CIVIL APPLICATION NO.1175 OF 2015
IN
APPEAL FROM ORDER NO.959 OF 2015

Javed F. Tapia	...Appellant
V/s.	
Jaihind P. Pathare, since decease, through His L.Rs. - Shantabai J. Pathare & Ors.	...Respondents

WITH
APPEAL FROM ORDER NO.960 OF 2015
WITH
CIVIL APPLICATION NO.1176 OF 2015
IN
APPEAL FROM ORDER NO.960 OF 2015

Javed F. Tapia	...Appellant
V/s.	
Kailas P. Pathare & Ors.	...Respondents

Mr.S.R. Ganbavale for the Appellant.

Mr.Prathamesh Bhargude for the Respondent Nos.1 to 6 in A.O.
No.958 of 2016.

Mr.Nikhil Chavan for the Respondent Nos.1, 2, 4 and 5 in A.O. Nos.959 of 2016 and 960 of 2016.

CORAM : R.D. DHANUKA, J.
DATE : 7TH DECEMBER, 2016.

P.C. :-

1. By these three separate appeals from order, filed by the plaintiffs impugning the order passed by the learned trial Judge dated 27th March, 2015, rejecting the application (Exhibit – 5) in a suit for specific performance, the appellant (original plaintiff) have impugned that orders.

2. It is not in dispute that the suit for specific performance was filed in the year 2009. The plaintiffs did not apply for any *ad-interim* injunction before the learned trial Judge in the said suit in the year 2009.

3. The impugned order is passed on 27th March, 2015. There is no *ad-interim* order passed by this Court in these three appeals from order. Though the papers and proceedings in the aforesaid three appeals from order are served upon the respondents much earlier, the appellants did not apply for *ad-interim* relief in these three appeals from order.

4. Learned counsel for the respondents state that issues are already framed and the matter before the learned trial Judge is ready to proceed with recording of evidence of the parties.

5. In these circumstances, I am not inclined to interfere with the impugned order in these three appeals from order. It is made clear that the observations made by the learned trial Judge are *prima-facie*. The learned trial Judge shall decide the suit on its own merits without being influenced by the *prima-facie* observation made by the learned trial Judge in the impugned orders.

6. For the reasons recorded aforesaid, the above three appeals from order are dismissed.

7. In view of dismissal of the aforesaid three appeals from orders, Civil Application Nos.1174 of 2015, 1175 of 2015 and 1176 of 2015 do not survive and are accordingly dismissed.

8. Since the suit is of the year 2009, hearing of the said suit is expedited. The parties are directed to co-operate with each other and also with the learned trial Judge in expeditious disposal of the said suit.

9. No order as to costs.

(R.D. DHANUKA, J.)