

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO. 895 OF 2014****ALONGWITH****CIVIL APPLICATION NO. 1070 OF 2014****Parashar Sahakari Gruhrachana Sanstha****..... Appellant****VERSUS****Suresh Kisan Pathare & Anr.****..... Respondents**

Mr.R.S.Apte, Senior Advocate, i/b. Mr.Siddharth Wakankar for the Appellant.

Mr.P.S.Dani, Senior Advocate, i/b. Mr.Vilas Tapkir for the Respondents.

CORAM : R.D. DHANUKA, J.**DATE : 30th NOVEMBER, 2016****P.C.**

By this appeal, the appellant (original plaintiff) has impugned the order dated 30th April, 2014 passed in application at Ex.5 inter alia praying for injunction against the respondents (original defendants) from disturbing its possession in respect of the suit property. The impugned order was passed on 30th April, 2014. There is no ad-interim order granted by this court in this appeal till the date of passing this order.

2. In view of this fact, I am not inclined to interfere with the impugned order passed by the learned trial judge on 30th April, 2014. Hearing of the Special Civil Suit No.1706 of 2013 is expedited.

3. It is however made clear that the observations made by the learned trial judge in the impugned order dated 30th April, 2014 are prima facie.

4. The learned trial judge shall decide the suit on its merits without being influenced by the observations made by the learned trial judge in the impugned order.
5. Appeal from order is disposed of in the aforesaid terms. No order as to costs.
6. In view of disposal of the appeal from order, civil application does not survive and is accordingly dismissed.

(R.D.DHANUKA, J.)