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

WRIT PETITION NO. 8706 OF 2016

Mr. Ganesh Motilal Tandel.

... Petitioner.

V/s.

Mr. Motilal Atmaram Tandel and Ors.

... Respondents.

Mr. Rahul Motkari for the Petitioner.

Mr. M.M. Vashi, Sr. Advocate a/w. S.M. Sharma i/b. M.P. Vashi & Assoc. for Respondents 9.

CORAM : N.M. Jamdar, J.

25 August, 2016.

Oral Order :-

The Petitioner challenges the order passed by the Principal District Judge, Raigad - Alibag in Misc. Civil Appeal No.18 of 2015 and the order passed by the learned Civil Judge, Junior Division, Panvel dated 27 February 2015. The order passed by the learned Civil Judge is an ad-interim order vacating the order of status-quo. It is against this ad-interim order the Petitioner filed a Misc. Appeal which was dismissed. The Petition has remained pending since May 2015 and it has come up on board in regular course. The learned Counsel for the Petitioner seeks time. The

learned Counsel for the Respondents submits that the application for interim injunction has become infructuous as CIDCO has already executed necessary documents in favour of the Respondents. The learned Counsel for the Petitioner states that he has no instructions.

2. Considering the fact that the matter is pending at the ad-interim stage since more than one and half years, it will be appropriate that the application for temporary injunction itself is heard and disposed of on its own merits. Though the learned District Judge has observed that directions to expedite the hearing of Exhibit 5 cannot be given that is an order passed one year back and it cannot continue to bind the Petitioner.

3. The Writ Petition is accordingly disposed of. The learned Civil Judge will keep in mind that the application for temporary injunction is pending since 2014 and give priority for its disposal, as it deserves. Keeping all contentions of the parties open, the Writ Petition is disposed of.

(N.M. Jamdar, J.)