

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3882 OF 2017

M/s. Victory Infra

.. Petitioner

vs.

Shalik Chander Patil and ors.

.. Respondents

Mr. Akhilesh Dubey, Mr. Samir Singh, Ms Poonam Sharma i/b Law
Counsellors for the Petitioner.

Ms Vaishali Nimbalkar, AGP for the Respondent – State.

CORAM : M. S. SONAK, J.

DATE : 06 NOVEMBER 2017.

P.C. :-

1] Learned counsel for the petitioner fairly points out that Civil Appeal No. 156 of 2015 pending before the District Judge, Raigad, Alibag is ripe for final hearing.

2] Since the challenge in the present petition was to the order dated 10th March 2016, to the extent, it recorded certain findings against the petitioner whilst granting the petitioner interim relief pending the appeal, no useful purpose would be served by evaluating the impugned order, at this stage. However, it is clarified that the findings or observations in the impugned order dated 10th March 2016 are only *prima facie* and for the purpose of deciding the issue of interim relief pending the appeal. Accordingly, the Appeal

Court whilst finally disposing of Civil Appeal No. 156 of 2015 need not be influenced by such findings or observations and the appeal has to be disposed of on its own merits and in accordance with law.

3] With aforesaid observations and clarifications, this petition is disposed of.

(M. S. SONAK, J.)