

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2679 OF 2015***

Mr. Mohan Sadashiv Ghodake

.... Petitioner

Versus

Mrs. Bhamabai Kisan Sathe & Ors.

...Respondents

Mr.Surel S. Shah,for the Petitioner.

Mr.Anilkumar K. Patil,for the Respondent No.1.

Mr. A.R.Metkari, AGP, for respondent Nos. 16 & 17.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 9th November, 2017.

P.C. :

1. At this stage, the learned counsel for the respondent No.1 submits that the impugned order is dated 3.1.2015.By an order dated 12.7.2013 in RCS No.21 of 2013, Application below Exhibit 5 was granted. The respondents had approached the Addl. Sessions Court at Malshiras by filing Civil Appeal No.23 of 2013 and the said Civil Misc. Appeal is allowed by the Addl. District Judge, Malshiras vide order dated 3.1.2015.It is submitted that the plaintiff is in the box for cross-examination. In any case, the application below Exhibit 5 under Order XXXIX Rule 1 & 2 are interim orders. The learned trial Court shall not be prejudiced by the grant of

interim injunction in favour of the respondent No.1 by the appellate Court and shall proceed to conduct RCS No.21 of 2013 and make an endeavour to dispose of the suit on or before 30.4.2018.

2. The original defendants shall take steps by following due procedure of law.

3. Writ Petition stands disposed of.

(SMT. SADHANA S.JADHAV,J.)