

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.10677 OF 2015

Ananda Vishnu Markad ... Petitioner  
Vs.  
Dadasaheb Chilubhau Valkunde ... Respondent

Mr. V. S. Talkute a/w. Mr. Samarth More for Petitioner.  
Mr. Rohan Surve i/b. Mr. K. B. Sonwalkar for Respondent.

**CORAM : R. G. KETKAR, J.**  
**DATE : JANUARY 04, 2017**

**P.C. :**

Heard Mr. Talkute, learned Counsel for petitioner and Mr. Surve, learned Counsel for respondent at length.

2. By this Petition under Article 227 of the Constitution of India, petitioner, hereinafter referred to as 'plaintiff', has challenged the judgment and order dated 10.02.2014 passed by the learned District Judge-1, Malshiras in Civil Appeal No.7 of 2013. By that order, the learned District Judge allowed the appeal preferred by the respondent, hereinafter referred to as 'defendant', and quashed and set aside the judgment and order dated 11.01.2013 passed by the learned trial Judge below exhibit-5 in Regular Civil Suit No.630 of 2012. The learned District Judge rejected the application exhibit-5 made by the plaintiff for temporary injunction.

3. Mr. Talkute submitted that the Suit is ripe for hearing and no injunction is operating after the appeal was allowed on 10.02.2014. He, therefore, submits that petitioner will not press this Petition, if it is clarified that the learned trial Judge will decide the Suit uninfluenced by the observations made in the impugned order.

4. In view thereof, Petition is disposed of as not pressed. The learned trial Judge will decide the Suit on the basis of the evidence on record and on its own merits as also in accordance with law and uninfluenced by the observations made in the trial Court and appellate Court order.

**(R. G. KETKAR, J.)**

*Minal Parab*