

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

**CIVIL APPLICATION NO.751 OF 2009
IN
APPEAL FROM ORDER (ST) NO.5097 OF 2009**

Govind Kanda Swami & Anr.	..Applicants/Appellant
V/s.	
Mohd. Asif Qureshi	..Respondent

None present for the Applicants/Appellants.	

CORAM : M. S. SONAK, J.

DATE : 05 APRIL 2017

P.C.

1. In the Appeal from Order the challenge is to the order dated 03 December 2008 made by the learned Trial Judge granting the respondent-plaintiffs certain interim reliefs, which are operated till the disposal of the suit.

2. The appeal was instituted after delay of 19 days and therefore, an application for condonation of delay was taken out. Till date, the delay has not been condoned, since, it appears, there was some problem of service. The record now indicates that service is completed. Therefore, Civil Application No.751 of 2009 seeking condonation of delay is taken up for consideration and thereafter

allowed since, sufficient cause has been shown for instituting the appeal beyond the prescribed period of limitation.

3. There is however, no case made out at this stage, to grant any reliefs in the main appeal. This is because the interim relief granted by impugned order dated 03 December 2008 is in operation for the last 9 years. The suit in which the impugned order came to be made was instituted in the year 2007 and it is reasonably expected that the suit itself stands disposed of by now. In any case, the learned Trial Judge is directed to dispose of the suit as expeditiously as possible or in case, the suit is not already disposed of. Further, he disposes of the suit on its own merits and in accordance with law, the learned Trial Judge need not be influenced by any observations made in the impugned order dated 03 December 2008 or the circumstance that the appeal against the same is not been entertained at this stage. With the aforesaid observations, the appeal is disposed of.

(M. S. SONAK, J.)