

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 476 OF 2015
WITH
CIVIL APPLICATION NO. 615 OF 2015

Arun Narayan Patil & Anr.	..	Appellants
vs.		
Sunil Rajaram Raut	..	Respondent

Mr. Surel S. Shah i/b. Mr. A. U. Mishra for Appellants.
Mr. V. S. Kapse for Respondent.

CORAM : M. S. SONAK, J.
DATE: 08 FEBRUARY 2017

P.C :

1] The ad interim order granted in this appeal has been in operation since 5 September 2014. Even before that, this Court, on 11 March 2014 and 19 March 2014 had protected the appellant by an ad interim order, which was to operate until the notice of motion was itself disposed of.

2] Now that ad interim order has been in operation, effectively since March of 2014 and further, since, even the trial in the suit is about to start, it will not be appropriate to consider whether such ad interim relief needs to be varied until final disposal of the suit. The trial court, is directed to dispose of the suit as expeditiously as possible and in any case within a period of one year from today. The ad interim order shall operate until the disposal of the suit.

3] However, it is made very clear that this court has not examined the merits of the matter. Therefore, on the basis of the ad interim order earlier made or now continued, the appellant cannot, as a matter of routine, insist upon the extension of such interim relief, in the event, the suit is ultimately decided against the appellant. Mr. Kapse, learned counsel for the respondent submits that whilst he does not wish to be unreasonable, such orders according to him, are routinely extended even after the dismissal of the suit on merits. It is for this reason, Mr. Kapse was insisting that this court examines the validity of the impugned order, which according to him, warrants no interference whatsoever.

4] In the peculiar facts and circumstances of the present case, the appeal is disposed of in the aforesaid terms with clarification as aforesaid.

5] In view of disposal of the appeal, civil application does not survive and is disposed of accordingly.

(M. S. SONAK, J.)