

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

**APPEAL FROM ORDER NO. 1280 OF 2013
WITH
CIVIL APPLICATION NO. 1530 OF 2013
IN
APPEAL FROM ORDER NO. 1280 OF 2013**

M/s. Meera Housing Pvt. Ltd. & Ors. ... Appellants/Applicants
V/s.
Leelaram Sagtaram Jangid & Ors. ... Respondents

Mr. Karan Thorat for the Appellants/Applicants.
Mr. Vishal Thaker a/w Ms. Anjali Trivedi i/b V. Thakers for
Respondent Nos.1 and 2.

**CORAM : M.S. SONAK, J.
DATE : 29th MARCH, 2017.**

P.C. :

1 Heard Mr. Thorat, learned counsel for the appellants
and Mr. Vishal Thaker, learned counsel for the respondent Nos.1
and 2.

2 The challenge in this Appeal is to the order dated
02.08.2013 by which the learned trial Judge has granted certain
interim reliefs to the plaintiffs in the Suit i.e. respondent Nos.1 and
2 herein.

3 Mr. Thorat points out that the reliefs granted by the learned trial Judge, at the interim stage are contrary to law and ought not to have been granted.

4 It is required to be noted that the interim reliefs granted by the learned Trial Judge is in operation since 02.09.2013. Till date, neither the Appeal has been admitted nor any interim relief is granted to restrain the operation of interim relief granted by the learned Trial Judge.

5 Mr. Thaker points out that the trial in the Suit has already commenced. He also submits that the appellants are not regular in attending the matter before the learned Trial Judge. However, Mr. Thorat dispute this position. In any case, he says that appellants will henceforth attend the matter before the learned Trial Judge with due diligence.

6 Since, the interim order is in operation since last four years and further, since, trial in the Suit, has already commenced, it will not be appropriate to interfere with the impugned order in this Appeal. Learned counsel for the respondent Nos.1 and 2 i.e. plaintiffs before the Trial Court states that the compilation of

documents which they are required to file before the learned Trial Judge will be filed on or before 18.04.2017 which is the date scheduled for the matter to come up before the learned Trial Judge. This is required to be ensured so that the evidence can commence in right earnest on 18.04.2017 itself. The Suit was instituted in the year 2011 and it is reasonably expected that the suit itself must have been disposed of.

7 In any case, the observations in the impugned order are only prima facie and the same, need not influence the learned Trial Judge while disposing of the Suit. Similarly, the circumstance that the Appeal is not entertained by this Court need not influence the learned Trial Judge while disposing of the Suit. The learned trial Judge is directed to dispose of the Suit on its own merits and in accordance with law. With the aforesaid observations, Appeal from Order is disposed of.

8 In view of dismissal of Appeal from Order, the Civil Application does not survive and the same is also disposed of accordingly.

(M.S. SONAK, J.)