

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

APPEAL FROM ORDER NO. 1250 OF 2013

Shri. Jyotiprakash s/o Kriparam Sharma ... Appellant
(Orig. Plaintiff)

Vs.

Shri. Nazir Ahmad Dingmar & Anr. ... Respondents
(Orig. Defendants)

....

Mr. Ralston Fernandes for the Appellant.
Mrs. Teja Katdare for the Respondent No. 1.

....
**CORAM : A.A. SAYED, J.
DATE : 13 FEBRUARY 2017**

P.C.:

1 By the impugned order dated 17 September 2013, the Interim Application (Exhibit 5) of the Appellant/original-Plaintiff for the grant of injunction has been rejected. However, the ad-interim order dated 8 October 2009 of the Trial Court was operating till the disposal of the Interim Application (Exhibit 5) and the same has been continued by this Court thereafter from time to time. On 14 February 2014 while admitting the Appeal from order this Court has continued the ad-interim relief till the disposal of this Appeal. It was further directed by this Court that the trial Court should make an endeavor to decide the suit which is of the year 2009, as early as possible.

2 Inasmuch as the ad-interim relief granted by the trial Court has been continued right from the year 2009 till date and in view of the

direction of this Court in the order dated 14 February 2014 of expeditious disposal of the suit, I am not inclined to interfere with impugned order at this stage, more particularly when the suit is ripe for hearing.

4 In light of the above the Appeal from order is disposed of. The ad-interim relief granted by the Trial Court shall continue to operate till the disposal of the suit.

5 Learned trial Judge shall take a note of the direction of this Court in the order dated 14 February 2014 whereby it was directed that the trial Court should make an endeavor to decide the suit as early as possible.

6 It is clarified that the this Court has not expressed any opinion so far as the merits of the dispute is concerned.

(A.A. SAYED, J.)