

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Appeal against Order No. 25 of 2016
[Om Shakti Developers Vs. Sanjay Ganesh Raut & others]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. M.R. Joharapurkar, Adv., for the Appellant.
Mr. Nitin Khamborkar, Adv., for respondent nos. 1 to 6.

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CORAM : A. S. CHANDURKAR, J.

DATE : 06th January, 2017

Heard.

Challenge in the present appeal is to the order dated 19th October, 2015 whereby the trial Court has rejected the application for temporary injunction filed by the appellant – original plaintiff. By said application, it was prayed that the defendants be restrained from creating third-party rights in the suit property.

After hearing respective counsel for the parties and considering the fact that the order impugned refusing to grant temporary injunction dated 19th October, 2015 is in operation for more than a year, I find that the interests of justice would be served if the proceedings in Special Civil Suit No. 38 of 2014 are

expedited. It is informed that the pleadings in the said suit are complete. Hence, without entering into merits of the observations made in the impugned order, the appeal is disposed of by directing the trial Court to decide Special Civil Suit No. 38 of 2014 by the end of July, 2017. It is made clear that this Court has not gone into the reasons of the impugned order and the trial Court shall decide the suit on its own merits and in accordance with law.

Civil Appln. No. 23 of 2016 :

Consequently, the Civil Application is also disposed of.

Judge

[hedau]