

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

APPEAL AGAINST ORDER NO.24 OF 2016

Meenadevi w/o Prakash Bagade
-vs-
Sunil s/o Sadashiv Zanak and ors.

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

Court's or Judge's Orders.

Shri A. S. Kilor, Advocate for appellant.
Shri A. M. Ghare, Advocate for respondent No.3.

CORAM : A.S.CHANDURKAR, J.
DATE : January 13, 2017

In view of notice for final disposal issued earlier,
appeal is taken up for final hearing.

The appellant is aggrieved by the order passed by
the first appellate Court in R.C.A. No.29/2015 whereby
the application for grant of temporary injunction
preferred by the applicant has been rejected.

After hearing the respective counsel, it is evident
that this Court on 21/03/2016 has passed an interim
order making the construction, if any, carried out by the
respondents to be at their own risk. As the appeal is
pending before the appellate Court, the interests of
justice would be served if the said direction is continued
and the appeal is directed to be decided on merits.
Hence without going into the merits of the matter, the
following order is passed :

R.C.A.No.29/2015 is directed to be decided

expeditiously and by the end of April 2017.

The ad interim order granted on 21/03/2016 shall continue to operate without prejudice to the rights and contentions of either of the parties.

The appeal shall be decided on its own merits without being influenced by continuation of the interim directions.

Appeal is disposed of with no order as to costs.

JUDGE