

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

WRIT PETITION NO.10310 OF 2014

Mr. Ajit Dhanyakumar Upadhye	...Petitioner
V/s.	
Mr. Sidram Bhausahab Bhat & Ors.	Respondents

Mr. Surel Shah for the Petitioner.

None for the Respondents.

CORAM : M.S. SONAK, J.

DATE : 1st MARCH, 2018

P.C.

1. Heard Mr. Surel Shah, the learned counsel for the petitioner.
2. Mr. Shah submits that the Trial Court, had rightly refused injunction to the plaintiff vide order dated 15.06.2011. In its order dated 07.08.2014, Appellate Court, without adhering to the principles in *Wander Ltd. & Anr. V/s. Antox India P.Ltd.*¹ has reversed the well-reasoned decision of the learned Trial Judge. He therefore submits that Appellate Court ought not to interfere with the judgment and order dated 15.06.2011 made by the Trial Court.
3. Upon due consideration of the submissions of Mr. Shah, upon perusal of the record as well as the impugned judgment and order made by the Appellate Court, the interest of justice will be met if the

¹ 1990(Supp)SCC 727

suit itself is expedited. Admittedly, since the year 2014, there is an injunction in operation against the appellant. The injunction requires the appellant not to disturb the possession of the respondents/defendants. The suit itself is of the year 2011 and is now at an advanced stage. Since this position has continued since the year 2014, it will not be appropriate to vary the same at the stage when the main suit itself is posted for evidence.

4. Accordingly, this petition is dismissed. There shall be, however, no order as to costs.

5. However, it is clarified that the Trial Court to dispose of the suit on its own merits and in accordance with law as expeditiously as possible and not later than six months from today. In so disposing of the suit, the Trial Court ought not to be influenced by its earlier order or the order of the Appellate Court or for that matter the present order. The suit is to be disposed of on its own merits and in accordance with law and the evidence led by the parties.

6. With the aforesaid observations, this petition is disposed of.

(M.S. SONAK, J.)