

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

WRIT PETITION NO.5800 OF 2014

M/s.Reliance Construction Company & Anr. .. Petitioners
Vs.
Dr.Shirish V. Malgi & Ors. .. Respondents

Ms.Sharon Patole for the petitioner no.1
Ms.Pramila S. Thakur, petitioner no.2 in person.
Mr.Satyajeet P.Dighe for the respondent nos.1 & 2.
Mr.Vatsal Shah a/w Mr.N.T. More i/by MMK Law Associates for the
respondent no.3.

CORAM : R.D. DHANUKA, J.
DATE : 1st October 2018

P.C.:

. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order passed by the learned trial Judge allowing the application below Exhibit-5 filed by the original plaintiffs thereby granting injunction in favour of the original plaintiffs and also the order passed by the First Appellate Court dismissing the appeal filed by the petitioners.

2. The suit is of the year 2011. The last order was passed on 18th December 2013. There is no ad-interim relief granted since the date of filing of the petition. The original plaintiffs have already filed affidavit of evidence before the learned trial Judge. The petitioners are directed to proceed to cross-examine the witnesses of the plaintiffs without further delay. Hearing of the suit is expedited. It is made clear that the observations made by both the Courts below are prima facie in

nature. I am thus not inclined to interfere with the impugned orders in this writ petition.

3. Learned counsel for the original plaintiffs, on instructions, undertakes not to create third party rights. Undertaking is accepted.

4. The Writ petition is dismissed in aforesaid terms subject to the aforesaid clarification and undertaking rendered by the original plaintiffs. No order as to costs.

R.D. DHANUKA, J.