

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

**APPEAL FROM ORDER NO. 936 OF 2016
WITH
CIVIL APPLICATION NO. 1171 OF 2016
WITH
CIVIL APPLICATION NO. 206 OF 2018
IN
APPEAL FROM ORDER NO. 936 OF 2016**

Damyanti Dnyaneshwar Garud & Anr.Appellants/Applicants
V/s.

Popat Haribhau Choudhari & Ors.Respondents

Mr. A.B. Tajane for the appellants.

Mr. Vijay Patil i/b. Mr. D.K. Mishra for respondent no.1.

CORAM : V.M. DESHPANDE, J.

DATED : 26th JUNE, 2018.

P.C.:

. Heard Mr. A.B. Tajane, learned counsel for the appellants/original defendant nos.13 and 14 and Mr. Vijay Patil, learned counsel for respondent no.1/original plaintiff.

2. The impugned order in this appeal is rejecting the application for injunction in Civil Appeal No.542 of 2013.

3. Mr. A.B. Tajane, learned counsel for the appellants submits that this appeal can be disposed of if the Civil Appeal No.542 of 2013 is

directed to be disposed of as expeditiously as possible on its own merits and he will withdraw the present appeal. Mr. Vijay Patil, learned counsel for respondent no.1 /original plaintiff has no objection.

4. In that view of the matter, I pass the following order :-

(i) The Appeal from Order is disposed of as not pressed by maintaining the order dated 27th November, 2013 passed by District Judge-16, Pune below Exhibit – 5 in Civil Appeal No.542 of 2013. The learned District Judge-16, Pune on whose file Civil Appeal No.542 of 2013 is pending, shall try and dispose of the said appeal on its own merits after giving the opportunity of hearing to both the parties to the said appeal within a period of eight months from the receipt of this order. With this, Appeal from Order is disposed with no order as to costs.

(ii) All pending Civil Applications are disposed of.

(V.M. DESHPANDE, J.)