

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

**APPEAL FROM ORDER NO. 230 OF 2016
WITH
CIVIL APPLICATION NO. 309 OF 2016**

Mhalsa Enterprises	...	Appellant
V/s.		
Vishwanath Bhau Gharat & Ors.	...	Respondents

- Mr.Parag M. Tilak for the Appellant.
- Mr.Rajesh S. Datar for Respondent Nos.12 and 13.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 24th SEPTEMBER, 2018.

P.C. :

1] Heard learned counsel for the Appellant and learned counsel for Respondent Nos.12 and 13.

2] This Appeal from Order is directed against the order dated 11/09/2015 passed by the 2nd Jt. Civil Judge, Senior Division, Panvel, by which the relief of temporary injunction restraining Respondent Nos.12 and 13 from creating third party interest in the suit property was rejected by the trial Court.

3] It is pertinent to note that the order is passed on 11/09/2015, during the pendency of this appeal no order of ad-interim relief restraining the Respondent Nos.12 and 13 from creating third

party interest in the suit property was passed.

4] Apart from that, it is submitted that now the issues are framed and the suit is also placed for hearing. It would be in the fitness of things that instead of entering into the merits of the order passed by the trial Court, if the trial Court is directed to decide the suit itself as expeditiously as possible.

5] Accordingly, the Appeal is disposed off with direction to the trial Court to decide the suit as expeditiously as possible, provided both the parties extend co-operation.

6] In view of disposal of the Appeal, nothing survives in the Civil Application, hence stands disposed off.

[DR.SHALINI PHANSALKAR-JOSHI, J.]