

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

Appeal Against Order No.122 of 2014
(Vithalrao Madhaorao Walke (since deceased through his L.Rs.) .vs.
Pushpakumar Ramesh Kumar Shrivastav (dead) and others.)

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

Court's or Judge's orders.

Mr. A.C. Dharmadhikari, Advocate for Appellant.
Ms. S.H. Bhatia & Mr. B.B. Mehadia, Advocates for Respondent No.1
(L.Rs.)

CORAM : Manish Pitale, J.
DATED : January 17, 2018.

This appeal is filed challenging the order dated 02.05.2014 passed by the appellate Court whereby an application filed by the appellant for grant of temporary injunction against the respondents during pendency of the appeal, was dismissed. The respondents herein had filed a suit for declaration and injunction in respect of the suit property, which was decreed. The said judgment and decree has been challenged by the appellant before the appellate Court. The stay application was dismissed by the appellate Court on the ground that the apprehension of the appellant expressed in the application for temporary injunction was based on hypothetical assumptions because it was contended on behalf of the respondents that they did not intend to disturb the possession of the appellant or to deal with the property during the pendency of the appeal.

When this appeal was called out for hearing, the learned counsel appearing on behalf of the

respondents made a statement that the respondents will not create any third party interest in the suit property during the pendency of the appeal before the appellate Court and requested for an expedited hearing of the appeal.

Accordingly, this appeal is disposed of by recording the aforesaid statement made on behalf of the respondents and with a direction to the appellate court to dispose of Regular Civil Appeal No.450 of 2013 expeditiously and in any case within a period of three months' from today. In order to facilitate expedited hearing of the appeal before the appellate Court, filing of the paper book shall be dispensed with and the parties are directed to cooperate with the Court for disposal of the appeal within the aforesaid period of time.

JUDGE

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