

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

**APPEAL FROM ORDER NO. 470 OF 2015
WITH
CIVIL APPLICATION NO.604 of 2015**

Nandkumar Bhalchandra Bhondave & Anr. ..Appellants

v/s.

Maruti Nivrutti Saste & Ors. ..Respondents

Mr. S.V. Sadavarte for the Appellants

Mr. Sachin Chavan for the Respondent No.1 to 9.

Mr. Amey Chandurkar I/b. Rajesh More for the Respondent No.10

Mr. Swapnil Mhatre I/b. S.S.Kulkarni for the Respondent No.1 & 2.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 25th FEBRUARY, 2019.**

P.C.

1. The applicant herein has challenged the impugned Order dated 17th January, 2015 whereby the learned Civil Judge, Senior Division, Pune has dismissed the application at Exhibit 5 filed in Special Civil Suit No. 2038 of 2009.

2. The learned Counsel for the respective parties concede that the trial Court had granted interim relief on 23rd August, 2012 and that the same was in operation till 17th January, 2015. They further

concede that the interim relief granted by the trial Court was extended by this Court by order dated 8th April, 2015. The learned Counsel for the parties have submitted that the issues have been settled and the plaintiff has already filed his affidavit of evidence. They submit that the suit itself can be disposed of within a scheduled time frame and that the interim relief granted earlier by the trial court and extended by this Court can continue till disposal of the suit.

3. Hence, with consent, following order is passed.

- i) Interim relief granted by the trial Court on 23rd August, 2012 to continue till the disposal of the suit.
- ii) The trial Court to decide the suit as expeditiously as possible and in any event by 31st December, 2019, on its own merits.
- iii) The parties shall not delay the proceedings and shall co-operate in expeditious disposal of the suit.
- iv) Appeal stands disposed of in above terms.
- v) In view of disposal of the appeal from order, Civil application does not survive, and the same is also disposed of.

(ANUJA PRABHUDESSAI, J.)