

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

WRIT PETITION NO.6925 OF 2017

Sunny Real Estate Consultants

...Petitioner

Vs.

Housabai Bharat Bhoir & Ors.

...Respondents

Mr. Jagdish G. Reddy, for the Petitioner

Mr. Govind Solanki I/b. Mr. S. B. Kalel, for the respondent No.4.

CORAM : M. S. SONAK, J.

DATE : APRIL 18, 2019

P.C.:

1. Heard Mr. Jagdish Reddy for the petitioner and Mr. Govind Solanki for the respondent No.4.
2. Challenge in this petition is to the orders dated 24/11/2015 and 15/3/2017 made by the Ld. Trial Judge and Appeal Court rejecting petitioners application for interim relief during the pendency of Special Civil Suit No.557/2010.
3. The record indicates that right from the year 2010, except for some interim period, there is no interim relief in operation in favour of the petitioner. The view taken by the two Courts in denying the

interim reliefs to the petitioner cannot be said to be any product of unreasonable exercise of discretion. The two Courts have only recorded *prima facie* findings, petition has not been decided finally on merits.

4. Accordingly, at this stage, it will not be appropriate to interfere with the impugned order, particularly, since the suit is itself of the year 2010 and directions can be issued for expeditious disposal of the suit.

5. Accordingly, this petition is dismissed. However, Ld. Trial Judge is directed to dispose of Special Civil Suit No.557/2010 as expeditiously as possible and in any case on or before 30/5/2020 on its own merits and in accordance with the law. However, while disposing of the suit, the Ld. Trial Judge should not be influenced by any observations in the impugned order or for that matter the present order. present order. The suit should be decided on its own merits and in accordance with the law.

6. With the aforesaid clarifications, this petition is disposed of.

7. There shall be no order as to costs.

8. All concerned to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)