

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6414/2018

Vinod Dinkar Kalyani

... Petitioner

V/s.

Anit Mohan Borale & Ors.

... Respondents

Mr. R. A. Naik I/b. Umesh R. Mankapure for the Petitioner

Mr. K. U. Nikam with Rahul Patil I/b. Jaykar & Partners for the
Respondents

CORAM: K.K. TATED, J.

DATED : JANUARY 30, 2019

P.C. :

1 Heard. By this petition under Article 227 of the Constitution of India the Petitioner – Plaintiff challenges the order dated 10.10.2017 passed by the Trial Court and the order dated 27.04.2018 passed by the appellate court rejecting the Application below Exhibit- 5 made by the Petitioner for an order of injunction restraining the Respondent from carrying out any business of flour mill in the suit property.

2 The learned counsel for the Petitioner submits that since 2017, *status quo* is running in favour of the Petitioner. He further submits that in view of the *status quo* order the Respondent is not doing any business of flour mill. These facts are admitted by the learned counsel for the Respondents.

3 Considering the fact that there are concurrent findings of facts recorded by both the courts below and *status quo* order is running against the Defendant and the suit is of 2017, in the interest of justice, let the suit itself to be decided as early as possible.

4 Hence, following order is passed:

- a. The status quo order dated 10.10.2017 passed by the Jt. Civil Judge, Senior Division, Sangli in Regular Civil Suit No. 148/2017 to continue till hearing and final disposal of the suit.
- b. Hearing of Regular Civil Suit No. 148/2017 is expedited.
- c. This court expects that the Trial Court would decide the said suit as early as possible but in any case on or before 31.12.2019 after hearing both sides.
- d. The Writ Petition stands disposed of accordingly.
- e. No order as to costs.

(K. K. TATED, J.)