

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11371 OF 2013

M/s. Muttha Associates	..Petitioner.
V/s.	
Smt. Kamalabai Vitthaldas Bajaj & Anr.	..Respondents.

Mr.R.D.Soni with V.R. Kasale for the petitioner.

None for the respondents.

CORAM : M.S.SONAK, J.

DATE : APRIL 1, 2019

P.C.:-

Heard Mr.Soni, learned counsel for the petitioner.

2. Challenge in this petition is to the order dated May 4, 2013 made by which learned Appeal Court, disposing of the respondent's application for interim relief pending the final disposal of the Civil Appeal No.1161/2012.

3. Although, *prima facie*, there is some substance in the contention of Mr.Soni that the Appeal Court at the interim stage should not have granted the respondent any relief in excess of the stay to the impugned judgment and decree, considering the fact that the impugned order is in operation since March 4, 2013, it will not be appropriate to

interfere with the same. Interest of justice will be made if the Appeal Court is directed to dispose of the Civil Appeal No.1161/2012 as expeditiously as possible and in any case within a period of four months from today.

4. However, it is made clear that while disposing of the appeal, the Appeal Court should not be influenced by any observations in the impugned order dated May 4, 2013 or for that matter the observations in this order. The Appeal Court will have to dispose of the appeal on its own merits and in accordance with law.

5. With the aforesaid observations, this petition is disposed of. There shall be no order as to costs.

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

(M.S.SONAK, J.)