

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8810 OF 2016

Mr. Sumeet G. Bachewar

...Petitioner
(Orig. Plaintiff)

V/s.

Mr. Dagadu Songya Nerulkar
and Ors.

....Respondents
(Orig. Defds)

APPEARANCES :

Mr. Ajay Subhash Patil, Advocate for the petitioner.

Mr. Ameya Tamhane, Advocate for respondents no1, 3(1) to 3(4).

Mr. Dipenshi Aoti i/by. Mr. Jeetendra Sachdev, Advocate for respondent no.4.

Mr. Pankaj J. Das, Advocate for respondents no.5, 7 and 8.

CORAM : SANDEEP K. SHINDE, J.

Tuesday, 25th June, 2019.

P.C. :

1. Heard learned Counsel for the parties.
2. Petitioner instituted Special Civil Suit No. 398 of 2009. Pending suit, they requested the trial Court to injunct and restrain the defendants from creating third party interest and or to change the nature of the suit plots. The learned trial Judge declined the request of the plaintiffs and hence Civil Misc. Appeal No. 72 of 2016 has been filed. Pending Appeal, the application below Exhibit-5 was filed for interim relief. However, the same has been rejected by the Additional Sessions Judge-II on 20th July, 2016. It is against this order, this Writ Petition is preferred.
3. Heard learned Counsel for the parties.
4. This petition is preferred against rejection of the ad-interim relief by the Appellate Court which was

passed in July, 2016. Civil Miscellaneous Appeal is pending before the Appellate Court. Since the order under challenge is against the refusal of the ad-interim relief, I am not inclined to interfere with the order. However, the learned Appellate Court is requested to decide Civil Miscellaneous Appeal No.72 of 2016 on/or before December, 2019. With the aforesaid directions, the Writ Petition is disposed of.

(SANDEEP K. SHINDE, J)