

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4270 OF 2018

Sandeep R. Binawat .. Petitioner
vs.
Ramdas H. Ambekar and ors. .. Respondents

Mr. A.P. Kulkarni for the Petitioner.

CORAM : M. S. SONAK, J.
DATE : 02 MAY 2019.

P.C. :-

- 1] Heard Mr. Kulkarni, learned counsel for the petitioner.
- 2] The challenge in this petition is to the order dated 11th July 2017 by which learned Appeal Court refused to condone delay of about 5 months in instituting a miscellaneous appeal against the order dated 7th January 2014 by which learned Trial Judge had issued an injunction as against the petitioner herein.
- 3] According to me, since there is an injunction operating against the petitioner at least from 7th January 2014, no useful purpose will be served in entertaining the present petition. Even if this petition is to be allowed, the Appeal Court will have to be directed to hear the appeal against the

interim order dated 7th January 2014 and that itself, will take considerable time.

4] Instead, the interests of justice will be met if directions are issued to the learned Trial Judge to dispose of R.C.S. No. 2039 of 2013 on its own merits and in accordance with law expeditiously without in any manner being influenced by the observations made in the interim order dated 7th January 2014.

5] Accordingly, this petition is not entertained. However, learned Trial Judge is directed to dispose of R.C.S. No.2039 of 2013 on its own merits and in accordance with law as expeditiously as possible and in any case on or before 31st December 2020. In disposing of the suit, learned Trial Judge is directed not to be influenced by any of the observations made in the interim order dated 7th January 2014 or the fact that the present petition is not being entertained. All contentions of all parties are expressly kept open for determination by learned Trial Judge in the suit.

6] The petition is disposed of with the aforesaid directions.

There shall be no order as to costs.

7] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)