

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9381 OF 2012

ALONGWITH

WRIT PETITION NO. 9287 OF 2012

M/s. Gogte Minerals and others	...Petitioners
vs.	
Redi Port Limited and others	...Respondents

Mr. N.M. Sakhardande a/w. Ms. Seema Shirodkar I/b. Mr. S.R. Page, for the Petitioners

Mr. Ravi P. Kadam, AGP for Respondent No.1.

Mr. Ashish Kamat a/w. Mr. Vishesh Malviya I/b. M/s. Fedral and Rashmikant for Respondent No. 2 and 3.

CORAM : M. S. SONAK, J.

DATE : APRIL 26, 2019

P.C.:

Heard Learned Counsel Shri. Nikhil Sakhardande for the petitioners and Learned Counsel Shri. Kamat for the respondents.

2. Challenge in this petition is to the order dated 11.05.2011 by which the Appeal Court has reversed and vacated the injunction granted in favour of the petitioners on 24.03.2011.

3. From the aforesaid it is clear that atleast from 11.05.2011 the

petitioners have no interim relief in their favour. This is because no interim relief was granted in this petition, though petition was instituted in the year 2012.

4. The main suit was instituted as Regular Civil Suit No. 25/2009 but now has been renumbered as Commercial Suit No. 77/2019. This means that though the suit is now numbered as a Commercial Suit of year 2019, the same, was actually instituted in sometime in the year 2009. In this circumstances, the interest of justice will be served if the the learned Trial Judge is directed to dispose of the main suit on its own merit and in accordance with law as expeditiously as possible in any case not later than 31.03.2020. Learned Counsel for the parties assured this Court that they will co-operate with the Learned Trial Judge for expeditious disposal of the suit.

5. Further, it is made clear that while disposing the suit on its own merits and in accordance with the law, Learned Judge need not be influenced by any of the observation made in the interim orders either by its order or the Appeal Court's order or for that matter the fact that no relief is being granted in the present

petition. Suit will have to be decided on the basis of evidence which the parties lead before the Learned Trial Judge also in accordance with law and on merits of the petition. With the aforesaid observations, this petition is disposed of.

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

(M. S. SONAK, J.)