

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1437/2017

(SARITA SHIVSHANKAR BHATKAR **VERSUS** MADHUKAR WAMAN BHATKAR)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri A.R. Deshpande, counsel for petitioner.
 Shri D.S. Patil, counsel for respondent.

CORAM : A.S. CHANDURKAR, J.

DATE : MARCH 18, 2019.

Heard finally with consent of learned counsel for the parties.

The order dated 20.01.2017 passed by the first appellate Court adjudicating an application for interim relief is the subject matter of challenge in the present appeal.

The petitioner herein is the original defendant in a suit for declaration and permanent injunction filed by the respondent herein. The trial Court by its judgment dated 04.12.2015 has dismissed the said suit. In the appeal filed by the plaintiff, an application for temporary injunction came to be moved. The appellate Court by the impugned order has restrained the original defendant from interfering with the possession of the plaintiff. Being aggrieved, the original defendant has filed this writ petition.

After hearing the learned counsel for the parties and in the light of the fact that the appeal filed before the appellate Court is still pending, interests of justice will be served by passing the following order:-

I. Without entering into the merits of the order dated 20.01.2017, it is directed that Regular Civil Appeal No.171 of 2015 be decided expeditiously and preferably by the end of April-2019.

II. The ad-interim order granted by this Court on 09.03.2017 shall continue to operate till the decision of the appeal.

III. It is however clarified that the appellate Court shall not be influenced by the grant of ad-interim relief or its continuation. The appeal shall be decided on its own merits and in accordance with law.

IV. The rival contentions of both the parties are kept open.

The Writ Petition is disposed of in aforesaid terms. No costs.

JUDGE

APTE