

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 434 OF 2020**

Sudha Gurudas Pednekar & Ors.	...Petitioners
Versus	
Shobhana Ramesh Pednekar & Ors.	...Respondents

Mr. S. S. Redekar for the Petitioners

None for the Respondents

CORAM : REVATI MOHITE DERE, J.
MONDAY, 16th MARCH 2020

P.C. :

1 Heard learned counsel for the petitioners.

2 By this petition, the petitioners have impugned the order dated 23rd October 2019 passed by the Appellate Bench of the Small Causes Court, below Exhibit 5 (injunction notice) in P. Appeal No. 374/2019.

3 Perused the papers. Vide judgment and order dated 19th September 2019, the petitioners (original plaintiff) suit being L.E. Suit No. 80/95 of 2008 was dismissed. It appears that the petitioners filed an application for staying the decree. It appears that on the very same day i.e. on 17th September 2019, the trial Court stayed the decree till 18th October 2019. It appears that the petitioners again filed an application on 16th

October 2019 and sought continuation of the interim relief granted by the trial Court on 17th September 2019 and the trial Court was pleased to continue the said interim relief on 18th October 2019 and as such continued the same upto 24th October 2019. The petitioners filed an appeal before the appellate bench of the Small Causes Court at Mumbai against the said judgment and decree dated 17th September 2019 along with an application i.e. Exhibit 5 (injunction notice). The petitioners sought extension of the stay granted by the trial Court, however, the Appellate Bench rejected the said prayer vide order dated 23rd October 2019. It appears that the notice issued in Exhibit 5 i.e. the injunction notice to respondents (defendants), is pending.

4 Without going into the merits of the petition, since there was an interim relief granted by the trial Court upto 24th October 2019, the same is continued till the injunction notice (Exhibit 5) is decided by the Appellate Bench of the Small Causes Court.

5 Accordingly, the stay granted by the trial Court is continued till the injunction notice is finally decided by the appellate Bench of the Small Causes Court. It is made clear that this Court has not gone into the merits of the petition and that the Appellate Bench of the Small Causes Court to

decide the injunction notice (Exhibit 5) on its own merits uninfluenced by the continuation of the ad-interim relief granted by this Court. The hearing of the Exhibit 5 application is expedited. All contentions of all parties are kept open.

6 Petition is disposed of on the aforesaid terms.

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

REVATI MOHITE DERE, J.