

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2055 OF 2020

Mr. Vijay Balkrishna Pusalkar Petitioners
& Ors.

Vs.

Mr. Uday Paranjape & Ors. Respondents

Mr. Y.S. Jahagirdar, Senior Advocate i/by Ojas Deolankar for Petitioners.
Mr. R.S. Apte, Senior Advocate i/by Padmanabh D. Pise for Respondents

Coram : NITIN W. SAMBRE, J.

Date : 4th MARCH, 2021

P.C.:

1. This petition is by the original Plaintiffs in Regular Civil Suit No. 1085 of 2011, wherein prayer for grant of temporary injunction came to be rejected vide order dated 17th October, 2011, which was confirmed in Miscellaneous Civil Appeal 364 of 2011. As such, this petition.

2. The fact remains that since last about 10 years, there is no interim relief operating in favour of the Petitioners and that being so, I

see no reason which warrants interference of the concurrent findings recorded by the Court below.

3. Apart from above, it appears that while appellate Court dealing with the rival contentions in the backdrop of statutory provisions and documentary evidence brought on record. As such, no case for interference is made out. The Petition fails, dismissed.

4. However, rival parties are at liberty to canvass their claims on merits in the suit without being prejudice to the observations made in the order impugned.

(NITIN W. SAMBRE, J.)