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CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4964 OF 2019

Manthan Co-operative Hsg. Soc. Ltd.	]	..	Petitioner
vs.			
Thane Municipal Corporation	]	..	Respondent

Mr.Ketan A. Dhawale a/w Ashutosh Gole, for Petitioner.
None for Respondent.

CORAM : N.R.BORKAR, J.

DATED : 7TH SEPTEMBER 2021.

P.C.:

1] This Petition takes an exception to the order dated 22.03.2019 passed by the learned Ad-hoc District Judge-3, Thane in Miscellaneous Civil Appeal No.166 of 2018.

2] In a suit filed by the Petitioner for declaration and injunction the application for temporary injunction was filed. The trial Court allowed the said application by order dated 03.08.2018. Against the said order of trial Court, appeal was preferred and the Appellate Court reversed the order passed by the trial Court.

3] On 15.04.2019, this Court passed the following order :

“Heard Mr. Gole, learned counsel for the petitioner. Issue notice to the respondent, returnable on June 4, 2019.

2. In addition to the service through usual mode, the petitioner is permitted to effect private service upon the respondents and file affidavit of service.

3. Interim protection granted by the lower Appellate Court is extended upto June 4, 2019.

4. The petitioner to take steps to serve the respondent within a period of two weeks from today. If no steps are taken, the ad-interim protection granted shall stand vacated without further reference to this Court.”

4] The effect of the order passed by this Court dated 15.04.2019 is that the interim injunction which was granted by the trial Court is still in force.

5] Since last several dates there is no appearance on behalf of respondent.

6] Considering the facts and circumstances of the case, instead of keeping this Petition pending, it would be appropriate to direct the trial Court to decide the suit filed by the Petitioner within a stipulated period. Hence, order :

i] The trial Court is directed to decide the suit filed by the Petitioner as expeditiously as possible and in any case within a period of one year from day.

ii] Interim order passed by this Court dated 15.04.2019 shall remain in operation till disposal of the suit.

iii] With these directions, Writ Petition stands disposed of.

[N.R.BORKAR,J]