

DINESH
SADANAND
SHERLA

Digitally
signed by
DINESH
SADANAND
SHERLA
Date:
2021.08.20
17:39:22
+0500

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8646 OF 2019

Kantilal J. Patel

...Petitioner.

V/s.

Sachin S. Avate and ors.

...Respondents.

Mr. Rajas Naik i/b Ms Rati S. Sinhasane for the Petitioner.

Mr. Prasad Avhad i/b Mr. K.U. Nikam for Respondent Nos.1 to 3.

CORAM : N.R. BORKAR, J.
DATE : 20.08.2021.

P.C. :

1. This petition takes an exception to the order passed by the learned appellate court dated 21.2.2019 in Miscellaneous Civil Appeal No. 83 of 2018.

2. On an application filed by the respondents for temporary injunction, the learned trial court by its order dated 18.4.2018 directed the present petitioner not to cause any interference with the possession of the respondents over the suit property without following due process of law. The learned appellate court dismissed the appeal filed by the petitioner against the order of trial court.

3. The learned counsel for the petitioner submits that the order of the trial court is cryptic. It is submitted that the learned

appellate court without considering this aspect, mechanically dismissed the appeal.

4. It is not shown that the order passed by the trial court was stayed by the appellate court. There is no interim order in favour of the petitioner in the present petition, which is filed in the year 2019. Resultantly, the interim injunction is operating against the petitioner for more than three years. Considering these facts and circumstances, I am not inclined to interfere with the impugned order. However, considering the controversy between the parties, the trial court shall endeavour to decide R.C.S. No. 8 of 2015, as expeditiously as possible and in any case within one year from today.

5. With aforesaid directions, Writ Petition is disposed of.

[N.R.BORKAR, J.]