

ISM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 93 OF 2021

Abutayyab Khudbuddin MullaPetitioner

V/s.

Prahlad Dattu Nagare and OrsRespondents

Mr. Saurabh S. Oka for the Petitioner

CORAM : NITIN W. SAMBRE, J.

DATE: JANUARY 13, 2021.

P.C.:

1] Heard.

2] Special Civil Suit No. 19/2012 came to be dismissed on 18/03/2019 at the stage of recording of evidence.

3] Prayer of the Petitioner for restoration is dismissed on the very same day and that being so, MA No. 38 of 2019 are pending for

restoration of the Suit.

4] Order impugned is rejection of prayer for injunction moved during pendency of MA No. 38 of 2019.

5] On merit, I hardly see any reasons which warrants interference in the impugned order particularly when there is no element of irreparable loss is established. As such, Petition stands dismissed.

6] However, in the aforesaid backdrop, particularly when suit was pending since 2012, it will be appropriate to expedite the hearing on 38 of 2019. Petitioner assures that he shall co-operate with the Court below in expeditious disposal of the suit proceedings.

[NITIN W. SAMBRE, J.]