

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAW) NO. 509 OF 2021
IN
WRIT PETITION NO. 7531 OF 2019

M/s Columbia Hospital and Research Centre Pvt. Ltd. Nagpur through Director
...Versus...

M/s Maharashtra Industries, Nagpur through Partner and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri R M Sharma, Advocate for respondent No.1/applicant
Shri S.V. Manohar, Senior Advocate with Shri A.B. Patil, Advocate for
petitioner/non-applicant

CORAM : N.B.SURYAWANSHI, J.

DATE : 04/08/2021

This application is filed seeking vacation of interim relief granted by this Court vide order dated 22/01/2020.

2. Heard the learned Advocates for the parties. Admittedly at the time of granting of interim relief, the applicant as well as the non-applicants were heard. The learned Advocate for the applicant submits that during pendency of the suit there was interim injunction operating in his favour and taking into consideration the fact that the non-applicants have started construction on the disputed site, they may be restrained from carrying out the construction.

3. The learned Senior Advocate for the petitioner/non-applicant on the other hand pointed out the reply wherein following statement is made

“The Petitioner/Non-Applicant is ready and willing to give an under taking that if it is permitted to carry on with the construction and other activities on the said plot, on its own risk and consequences and if the petitioner/Non-Applicant ultimately losses the litigation against the present applicant, the Petitioner/ Non-Applicant will hand over 2178 Sq. Ft. (808 Sq. Ft of RCC constructed area + 1378 Sq. Ft. area of the adjacent open space) out of the above plot to the applicant as granted in the judgment and decree dated 06.02.2018 passed by the learned trial court in RCS No. 158/2009 as shown in plaint map or as modified by this Hon’ble Court.”

The above statement is accepted as an undertaking to this Court.

4. In the light of the statement made in the reply filed by the petitioner/non-applicant, I do not find it necessary to vacate the interim relief which was granted after hearing the parties.

5. The Civil application is disposed of.

JUDGE