

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**COMMERCIAL APPEAL NO.4 OF 2022
WITH CA/15707/2022 IN COMAP/4/2022**

**REL RURAL WAREHOUSING LIMITED THR ITS AUTHORISED
REPRESENTATIVE VINAYAK MARUTI KITTUR
VERSUS
SAHAKAR MAHARASHI SHANKARAO KOLHE SAHAKARI
SAKHAR KARKHANA LTD AND ORS**

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Mr. P. R. Katneshwarkar, Advocate a/w Mr. Shrey Fatterperker i/b
Mr. Akshay S. Radikar, Advocate for appellant
Mr. V. D. Hon, Senior Advocate i/b Mr. A. V. Hon, Advocate for
respondent No.1

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**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATED : 23 NOVEMBER 2022

PER COURT :-

. The appellant who is the plaintiff in Commercial Suit No.01/2022, is approaching this Court being aggrieved and dissatisfied by the order passed by the trial Court on its application Exh.55, whereby some ad-interim relief was being prayed in tune with the application for temporary injunction Exh.48.

2. The learned advocates of both the sides inform us that the application Exh.48 has been scheduled to be heard before the Commercial Court on Friday i.e. 25.11.2022. Going by the earlier orders of this Court in similar matters, it appears that in spite of the directions of this Court to the trial Court, to decide the applications regarding interim relief within the stipulated time frame, for some reason or the other, that has not happened.

3. We are of the considered view that, examining legality or otherwise of the order under challenge, could have bearing on the merits of the application for interim relief Exh.48. It would be apposite that the parties with, whatever pleadings they have made and the documents already produced on the record, would cooperate with the trial Court in deciding application Exh.48 finally by addressing the arguments on the listed date i.e. Friday, 25.11.2022.

4. We dispose of the appeal and direct the trial Court and the parties to make efforts to decide application Exh.48 as early as possible.

5. It is once again clarified that the trial Court shall not permit the parties to produce any document at this stage till it decides application Exh.48 and the parties will not file any additional pleading or application.

6. In view of disposal of the appeal, civil application No.15707 of 2022 stands disposed of.

[Y. G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]

SMS