

- 1) Heard learned Counsel for the parties.
- 2) Appellants are defendants no.1 to 33 in the Special Civil Suit No.41/2010 instituted by respondents no.1 to 5 for partition and separate possession of their share in the suit properties. Pending suit, the trial Court vide order

22nd March, 2022.

dated 17th January, 2013 restraining the defendants no.1 to 33 or anybody claiming through them, by order of injunction, from creating third party interest in the suit properties described in Schedule-A, B and C appended to the plaint. Feeling aggrieved by this order, the defendants no.1 to 33 have preferred this Appeal from Order. The Appeal was admitted by this Court on 20th March, 2017. However, they did not press the application for interim relief. The suit in question is pending for consideration before the trial Court since 2010. The order impugned is in force since 2013. Although, the Appeal came up for consideration in March 2017, the appellants did not press their application for interim reliefs. Taking note of these events, it would be expedient in the interest of the parties, if the trial Court is requested to dispose of the suit expeditiously. In consideration of these facts, I do not see any reason to interfere with the impugned order. However, the trial Court shall make an endeavour to dispose of the Special Civil Suit No.41/2010, expeditiously and till then, the order dated 17th January, 2013 shall continue to operate.

22nd March, 2022.

3) Needless to say that, the Suit shall be decided on its own merits without being influenced by the interim order dated 17th January, 2013. The Appeal is disposed of in the aforesaid terms.

4) With disposal of the Appeal itself, nothing survives in the Interim Application. The same also stands disposed of.

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(Sandeep K. Shinde, J.)