

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Ajay Kamalakar Patil & ors. ..Appellants
vs.
Pushpa Manohar Dawne & ors. ..Respondents

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 28, 2022.

P.C. :

- 1**

this Court has not inclined to interfere with the order at this stage since the injunction is operative from 25/2/2015, he prayed that the trial Court be requested to dispose of the suit expeditiously. It is also pointed out that the land in question is an open piece of land, there being no development activities. Learned counsel submits that since the suit is pending, with a view not to precipitate the matter any further, in the interest of justice, it would be necessary to restrain the defendants from changing the nature of the suit property.

4. Learned counsel for the appellants submits that the respondents have duly been served. I find that there is no appearance on behalf of the respondents. Having heard learned counsel for the appellants, at this distance of time, I am not inclined to interfere with the impugned order passed by the trial Court which is operative from 25/2/2015. Even learned counsel for the appellants submitted that he would be satisfied if the suit which is of the year 2013 can be expedited. Accordingly, the trial Court is requested to hear the S. C. Suit No. 502 of 2013 expeditiously and preferably within 18 months from the date when this order is placed on record.

5. As is submission of learned counsel for the appellants that there is no development on the suit property, since the hearing of the suit is expedited, the apprehension that the nature of the suit property would undergo a change is unfounded. However, should the appellants notice any

material alterations in the nature of the suit property, liberty to apply to the trial Court. The same be considered independently on its own merits.

- 6.** The appeal is disposed of.
- 7.** The civil application is also disposed of.

(M.S.KARNIK, J.)