

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

VAISHALI
ANIL
TIKAM

APPEAL FROM ORDER No.734 OF 2019**WITH****CIVIL APPLICATION No.878 OF 2019****IN****APPEAL FROM ORDER No. 734 OF 2019**

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Anis Ahmed Toufeeq Choudhar**...Appellant/
Applicant****Vs.****Abdul Gani Nizamuddin Shaikh and Ors.****...Respondents**

* * * *

Mr. J.S. Yadav i/b. B.P. Shukla for Appellant**Coram : Sandeep K. Shinde, J.****Dated: 7th APRIL, 2022.****P.C. :**

1. Pending Short Cause Suit No. 2803 of 2018, instituted by the appellant/plaintiff, under Section 6 of the Specific Relief Act, 1963, learned trial Court restrained the defendants from creating third party right in the suit property, but refused to appoint 'receiver'. That order is under challenge.

2. Mr. Thorat, learned counsel for the appellant, on instructions, submits that, trial in the suit, has progressed, and 'Cross' of defendants' witness is underway. In this view of the

matter, Mr. Thorat, learned counsel, does not press the Appeal and submits let the suit, be disposed of within reasonable time. Submissions are reasonable. Thus, in consideration of the facts of the case, the learned trial Judge is requested to conclude the trial in Short Cause Suit No. 2803 /2017 preferably before 30th June, 2022.

3. It is made clear that this Court has not heard the appeal on merits.

4. As the appeal itself is disposed of, nothing survives in the civil application therein and same is also disposed of.

(Sandeep K. Shinde, J.)