

for temporary injunction. By impugned Order dated 28th April, 2014, the learned Civil Judge, Senior Division, Panvel, was persuaded to allow the Application and restrain the Petitioner-Defendant from dealing with, disposing of the suit property or developing the same till the disposal of the Suit.

5. Evidently, the impugned order is passed under the provisions of Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908. The said order is appealable under the provisions of Order XLIII Rule 1 (r) of the Code, 1908. It does not appear that the Petitioner-Defendant has availed the remedy of Appeal expressly provided by the Code.

6. Hence, the Petition stands disposed.

7. This order will not, however, preclude the Petitioner from availing the remedy of appeal, if so advised. In such an eventuality, the question of limitation shall remain open for consideration.

(N.J.JAMADAR, J.)