

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 415 OF 2019
ALONGWITH
CIVIL APPLICATION NO. 491 OF 2019**

MINAL ENTERPRISES THR.

PROPRIETOR, VILAS RASIKLAL

SHAH

} APPELLANT

V/S.

MADHOOR REALATORS PVT.

LTD. THR. ASHISH PRAKASH

BHANSALI AND ORS.

} RESPONDENTS

* * * *

**Mr. R.D. Soni a/w. Mr. Eknath Dongardive i/by. Ram & Co.,
Advocate for the appellant.**

**Mr. Girish R. Agrawal, Advocate for the respondents
no.1 and 3.**

**Mr. Rushikesh G. Patil, Advocate for respondents no.2 and
4.**

Coram : Sandeep K. Shinde, J.

Wednesday, 9th March, 2022.

P.C. :

1) In Special Civil Suit No.182/2019 instituted by the
appellant-plaintiff, the trial Court, by order dated 30th

April 2019, declined ex-parte ad-interim injunction. That order is under challenge in this Appeal. Learned Counsels for the parties, on instructions, inform the Court that, application below Exhibit-5 was extensively argued and it was closed for orders; however, the order has not been passed. It is further informed that, the learned Judge who has heard the application has been transferred to other station. Therefore, in consideration of the facts of the case, it would be expedient in the interest of the parties to direct the learned Court to decide the application below Exhibit-5 within eight weeks i.e. on/or before 30th April, 2022. It is clarified that the trial Court shall decide the application on its own merits, without being influenced by the statement made by the respondents, recorded in the order dated 20th May, 2019.

2) It is further clarified that this Court has not heard the appellant on the merits.

3) Needless to say that, the statement made by the Counsel for respondents no.1 and 3 recorded in order dated 20th May, 2019, shall continue only upto the date of the order in the application below Exhibit-5.

4) The Appeal from Order is disposed of in the aforesaid terms.

5) With disposal of the Appeal from Order, Civil Application No.491 of 2019 filed for injunction becomes infructuous and does not survive. The same also stands disposed of.

(Sandeep K. Shinde, J.)

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