

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER No. 824 OF 2019**

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**M/s. Welfare Properties Private
Limited**

Through its Director, Vikas Khandelwal ...Appellant

Vs.

Mr. Suresh Kunalal Awasthi and Ors. ...Respondents

* * * *

**Mr. Shanay Shah a/w. Mr. Niravc Marjadi a/w. Ms.
Priyanka Rathi a/w. Ms. Harshita Pravhu i/b. M/s. Soli-
cis Lex., Advocates for Appellant.**

Mr. Harshad M. Deshpande for Respondent No.7

Mr. Sameer R. Bhalekar for Respondent Nos.1 to 5

Coram : Sandeep K. Shinde, J.

Dated: 5th APRIL, 2022.

P.C. :

1. Appellant-Plaintiff instituted, suit simplicitor for perpetual injunction to restrain Defendant nos. 1 to 6 from creating third party rights in the suit property. Pending suit, in draft notice of motion, the Learned Judge, City Civil Court by order dated 22nd April, 2016 refused ad-interim relief. That order is under challenge in this appeal.

2. Heard learned counsel for the parties.

3. Proceedings in appeal, show, on 26th July, 2019, delay caused in preferring the appeal from order was condoned. However, pending appeal from order, this Court has not interfered in the impugned order, refusing ad-interim relief to the Plaintiff. In consideration of facts of the case, and since notice of motion in Suit No. 1136/2016 is pending for consideration, I am not inclined to interfere in the impugned order, after five years.

4. In that view of the matter, it would be expedient, if the Trial Court takes up the notice of motion for hearing and decides the same on its own merits without being influenced by the impugned order, preferably, before 30th July, 2022. Appeal from Order is disposed of in the aforesaid terms.

(Sandeep K. Shinde, J.)