

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

WRIT PETITION NO. 8258 OF 2016

WITH

WRIT PETITION NO. 8259 OF 2016

Mukesh Chhunilal Bhatia & Ors.

...Petitioners

Versus

M/s. Sunita Enterprises, Proprietary
Concern of Mr. Nandkumar B. Salvi & Ors.

....Respondents

Mr. Akshay Kulkarni i/b A. M. Kulkarni for the Petitioners in both the petitions.

Mr. Rohit P. Sakhadeo for Respondent No. 29 in both the petitions.

Mr. Prasad Dakhephalkar, Senior Advocate i/b Mr. Jaydeep Deo for Respondent Nos. 1 to 12 in WP/8258/2016 and for Respondent Nos. 1 & 17 to 26 in WP/8259/2016.

Ms. Poonam V. Bodke Patil for Respondent Nos. 13 to 17 in WP/8258/2016 & for Respondent Nos. 2 to 16 in WP/8259/2016.

CORAM : N. R. BORKAR, J.

DATE : 19th JANUARY, 2022.

P.C. :

. The Petitioners common in both these petitions are plaintiffs in Special Civil Suit No. 294 of 2013 and Defendant Nos. 17 to 19 in Special Civil Suit No. 180 of 2015. The subject matter of both the suits is one and the same property. In a suit filed by the Petitioners, they had filed an application for temporary injunction. Similarly an application for temporary injunction was filed in a suit filed against the

present Petitioners. The Application for temporary injunction filed by the Petitioners was allowed and the Interim Application for temporary injunction filed against them was rejected, by the trial Court.

2. The Respondent Nos. 1 to 12, who are plaintiffs in Special Civil Suit No. 180 of 2015 had filed two appeals, one against the order allowing the application for temporary injunction filed by the Petitioners and another against the order rejecting their application for temporary injunction. By the orders impugned in the present petitions, both the appeals came to be allowed and consequently application filed by the Petitioners for temporary injunction was rejected and the application filed by Respondent Nos. 1 to 12 was allowed.

3. Both the parties are claiming that they are in possession of the suit property.

4. This Court by order dated 15th July, 2016 directed the parties to maintain status-quo. This Court, thereafter, by order dated 14th September, 2016 passed the following order:

“Request is made on behalf of the learned Counsel for the Petitioners for adjournment. Stand over to 18th October, 2016. The order of status-quo granted on 15th July, 2016 to continue. By order dated 10th June, 2016, the learned District Judge has partly allowed the application below Exhibit– 5 and has restrained the Defendant Nos. 1 to 19 from interfering with the possession of Plaintiff No. 1.”

5. Considering the facts and circumstances of the case, though

the learned Counsel for the Petitioners submits that petitions be heard on merits, in my view there is no point in hearing the petitions on merits, after five years against the order of interim injunction and it would be appropriate to direct the trial Court to decide the suits expeditiously and to continue the order of status-quo till the decision of the suits.

6. The learned Counsel for Respondent Nos. 1 to 12 submits that in case this Court is inclined to extend the status-quo till decision of the suits, then the order of status-quo as clarified by the order dated 14th September, 2016 be extended.

7. The learned Counsel for the Petitioners disputed the above said submission of the learned Counsel for Respondent Nos. 1 to 12, that this Court has clarified the order of status-quo by order dated 14th September, 2016.

8. Suffice it to say that as the order dated 14th September, 2016 is self explanatory and thus the following order is passed:

ORDER

i) The trial Court shall endeavor to decide the suits in question as early as possible and in any case within a period of one year from the date of receipt of copy of this order.

ii) The Order passed by this Court on 14th September, 2016 shall remain in force during the pendency of the suits.

- iii) Needless to mention that the trial Court shall decide the suits on their own merits without being influenced by orders passed by it or the Appellate Court.
- iv) Both the petitions are disposed of in above terms.

(N. R. BORKAR, J.)