

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

***APPEAL FROM ORDER NO.734 OF 2017
WITH
CIVIL APPLICATION NO.984 OF 2017***

Dr. Vikas Ananda Deshmukh ...Appellant

Vs

Amol Ramesh Gharage (Patil)
and Ors.

... Respondents

...

Ms. Preeti Walimbe h/for Mr. Bhushan Walimbe for the
Appellant.

None for Respondents.

CORAM : SANDEEP K. SHINDE J.
DATE : FEBRUARY 25, 2022.

P.C. :

In the suit for specific performance instituted by the appellant, application for temporary injunction was moved seeking order to restrain the defendants from disturbing possession of the plaintiff in the suit property. Learned trial Court vide order dated 17th July, 2017 partly allowed the application, by which, the defendants were restrained from creating third party rights in the suit property. That order is challenged in this appeal under Order 43 Rule

1(r) of the Code of Civil Procedure, 1908.

2 Suit in question was instituted in 2016 and the order impugned was passed in July, 2017. In view of this fact, vide order dated 4th January, 2022, learned counsel for the appellant was requested to verify status of Special Civil Suit. However, status of the suit has not been informed to this Court. Be that as it may, since the interim relief was refused in July, 2017, I am not inclined to interfere with the impugned order, after a period of four and half year. Instead, it would be expedient and in the interest of justice to request the trial Court to conclude the trial in Special Civil Suit No.18 of 2016 within the reasonable time. Accordingly, the appeal is disposed of. Learned trial court shall make an endeavour to conclude the trial in Special Civil Suit No.18 of 2016 preferably before 31st January, 2023. It is made clear that this Court has not heard the appeal on merits.

3 Appeal is disposed of in aforesaid terms.

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.)