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

**APPEAL FROM ORDER NO. 1042 OF 2022
WITH
INTERIM APPLICATION NO. 19779 OF 2022**

Akhil Bharatiya Maratha Mahasangh and ors..Appellants
vs.

Rajendra Kondhare and ors. ..Respondents

Mr.Sanjay Jain a/w Mr. Nishant Sashidharan, Mr. Ishwar Nankani, Ms. Tanuja D'Souza, Ms. Bharti Jain i/b Nankani & Associates, for Appellants.

Mr. Shantanu Raktade a/w Mr. Amar Parsekar i/b A.S. Desai, for respondents no. 1 and 2.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 16, 2022

P.C. :

- 1.** Not on board. Taken on board.
- 2.** The parties are ad-idem that the trial Court is considering the issue of grant of ad-interim relief or otherwise and the hearing is in progress. Learned counsel for the appellants submitted that the plaintiffs were heard today and the matter is listed at 4.30 p.m. today itself for the contesting defendants to respond.

3. In this view of the matter, at this stage, it is not necessary to entertain the challenge made to the order of the trial Court impugned in this appeal from order.

4. It is made clear that the trial Court shall decide the prayer for ad-interim or otherwise with which it is seized of on its own merits uninfluenced by earlier refusal by the trial Court i.e. by the order impugned in this appeal from order. It is further made clear that the defendants shall not oppose the prayer for grant of ad-interim relief on the ground that it has been earlier rejected by the impugned order. The trial Court to proceed with the hearing of the ad-interim/interim motion on its own merits without being influenced by any observations made by me or those in the order impugned in this appeal from order. The trial Court is requested to decide the motion for ad-interim relief or otherwise by tomorrow i.e. 17/11/2022.

5. Appeal from order is disposed of. In view of disposal of the appeal from order, the interim application also stands disposed of.

(M. S. KARNIK, J.)