

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.1074 OF 2019**

M/s. Prajapati Developers, A Partnership Firm	]	Appellant
Vs.		
The City Industrial Development Corporation	]	
of Maharashtra Limited (CIDCO) and others.	]	Respondents

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Mr. Dinesh Tiwari a/w Mikhail Dey and Gaurav Dusange, for Appellant.

Mr. Eeshan D. Khaire i/b Mr. Shriram Kulkarni, for Respondent No.4.

Mr. Rohit Sakhadeo i/b Sakhadeo & Associates, for Respondents No.3,5 and 6.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 14th JULY, 2022.

P.C.

1. Mr. Rohit Sakhdev, learned Counsel submits that he would file *Vakalatnama* on behalf of CIDCO within two days. Statement is accepted.

2. On 8th July, 2022, this Court has passed the following order;

“1. By way of indulgence and as a last chance, stand over to 14th July, 2022 as Mr. Palshikar holding for Mr. Kulkarni, learned Counsel for the appellant submits that Mr. Kulkarni is in some personal difficulty.

2. At his request, stand over to 14th July, 2022”.

3. Today, Mr. Khaire holding for Mr. Kulkarni, learned Counsel appearing for respondent No.4 submits that Mr. Kulkarni is in some personal difficulty.

4. This Court by an order dated 10th December, 2019 granted ad-interim relief which is continued till date.

5. Learned Counsel for the appellant is ready and willing to proceed further with his application under Order – 39, Rule – 1 and 2 of the Code of Civil Procedure filed before the trial Court.

6. In view of the said submission, Appeal from Order can be disposed of with following directions to the trial Court;

(a) Trial Court to hear the respective parties as to whether the appellant/plaintiff is entitled to temporary injunction, pending the suit;

(b) Application shall be expeditiously decided after giving due opportunities to the respective parties;

(c) Trial Court shall not grant unnecessary adjournments to any of the parties and shall make all endeavours to decide and dispose of the aforesaid application within four weeks from the date of receipt of this order.

7. Appeal stands disposed of in the aforesaid terms with no order as to costs.

8. Interim relief granted earlier shall continue to operate till decision of the application.

[PRITHVIRAJ K. CHAVAN, J.]