

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

COMMERCIAL APPEAL NO. 04 OF 2022

M/s. Hotel Four Seasons Infra LLP, Amravati by its Partner Mohan Kanhaiyyalal Gaud
and others,

..VS..

Sumeet Shriram Agrawal,

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Deoul Pathak, Advocate for Appellants.

Mr. G.S. Gour, Advocate h/f Mr. Nitin Lalwani, Advocate for
Respondent.

CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.

DATED : 12.07.2022

Heard learned counsel for the Appellants.

2. Nobody is present for the Respondent. However, later on Mr. G.S. Gour, learned counsel holding for Mr. Nitin Lalwani, learned counsel for the Respondent turned up and informs the Court that Mr. Lalwani, learned counsel is present before the another Court, but not this Court.

3. This appeal questions the legality and correctness of the order dated 24.02.2022, passed by the District Judge-2, Amravati in Misc. Civil Application No.103 of 2020, whereby these Appellants who were Respondent Nos.1 to 5 before the District Judge have been

temporarily restrained from creating any third party interest in the subject property. This order of temporary injunction as per the impugned order dated 24.02.2022 was to remain operative only for a period of two months. That period is over now and meanwhile, even an Arbitrator has been appointed to adjudicate upon the issues arising from the dispute between the parties. ¹As the Arbitrator has been appointed, the interim relief granted by District Judge, Amravati would get extended till the time the learned Arbitrator takes his decision on interim application filed by either of the parties in the arbitration proceedings. That interim application has already been filed by the respondent and, therefore, the interim relief by virtue of further directions given in clause 3 of operative part of the order has been extended till the time when the decision on interim application is taken by the learned Arbitrator.

4. These developments show that now this Appeal has been rendered infructuous.

5. The Appeal is therefore, disposed of as infructuous. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Kirtak

¹ Underlined portion inserted as per the clarificatory order dated 20.07.2022.