

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

WRIT PETITION NO. 1297/2018

GURUDATTA ENTERPRISES

..VS..

SUNFLAG IRON AND STEEL COMPANY LIMITED AND ORS.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.K. Thengri, Advocate for the petitioner

CORAM : AMIT B. BORKAR, J.

DATED : 21/09/2022

The order impugned in the present writ petition challenges the dismissal of the Execution proceedings for execution of order of temporary injunction.

2. *Prima facie*, I am satisfied that such application for execution was not maintainable as the order passed on application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (for short the "CPC") cannot be termed as a decree. Order XXI of the CPC is applicable only to the decree. It is submitted that during the pendency of the present writ petition, Regular Civil Suit No. 112/2004 has been decreed. The appeal is pending before this Court. If that be so, nothing remains in the present writ petition, therefore, it is disposed of as infructuous.

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JUDGE