

AGK

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

WRIT PETITION NO.4956 OF 2023

Kamlakar Yashwantrao Bhopale	... Petitioner
V/s.	
Sanjay Narayan Mane	... Respondent

Mr. Manoj Patil i/by Mr. S.S. Borulkar for the petitioner.

Mr. Datta H. Pawar for the respondent.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 18, 2023

P.C.:

1. By the impugned order dated 19 April 2022, the Trial Court has postponed adjudication on temporary injunction application filed under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908. Such order has effect of rejection of temporary injunction application. Therefore, the order is appealable under Order 43 Rule 1(r) of the Code of Civil Procedure, 1908. The petitioner is, therefore, at liberty to challenge the impugned order by way of appeal from order before the District Court.
2. While considering limitation, period of pendency of the present writ petition shall be excluded.
3. With the said liberty, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)