

SA Pathan

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

WRIT PETITION NO.5056 OF 2018

SHABNOOR
AYUB
PATHAN

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Date: 2023.09.15
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Vaibhav Anil Bhosale & Anr

... Petitioners

V/s.

Sharda Dinkar More & Anr.

... Respondents

Mr. Vishwanath S. Talkute, for the Petitioner.

Mr. Ajay A Joshi, for Respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 14, 2023

P.C.:

1. The writ petition challenges order passed by the lower Appellate Court granting injunction (mandatory) against the petitioner.

2. It appears that the impugned order is passed on 2 April 2018. The order is in force for last more than five years; therefore, it is necessary in the interest of justice, the Trial Court shall decide the suit on its merits. Hence, following order is passed:

a) The Trial Court is directed to decide Regular Civil Suit bearing No.421 of 2015 on its merits and uninfluenced by the observations made in the impugned order.

3. With this direction, the writ petition stands disposed of.
No costs.

(AMIT BORKAR, J.)