

Santosh

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

SANTOSH  
SUBHASH  
KULKARNI

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**APPEAL FROM ORDER NO. 356 OF 2022  
WITH  
INTERIM APPLICATION NO. 2470 OF 2022**

Babuprasad Shivbalak Dubey and ors. ...Appellants

**Versus**

Rannodevi alias Rampyari Dubey (deceased)  
through Sunil Dubey and ors. ...Respondents

Mr. Sanjiv Savant, a/w Abhishekh Deshmukh and Bhakti  
Wast, for the Appellants.

Mr. Anil Sakhare, Senior Advocate, i/b Bhushan Walimbe, for  
Respondent No.2.

Mr. Vasudeo Gangal, a/w Shweta Parab, for Respondent  
No.12.

**CORAM: N. J. JAMADAR, J.**

**DATED : 2<sup>nd</sup> AUGUST, 2023**

**PC:-**

1. Heard the learned Counsel for the parties.
2. This appeal is directed against an order dated 4<sup>th</sup> February, 2022 passed in Special Civil Suit No.58 of 2016, whereby the learned Civil Judge, Senior Division, Palghar, was persuaded to reject the prayer for temporary injunction under Exhibit-5.
3. The suit has been instituted in the year 2016. The Court is informed that the pleadings in the suit are complete. It is also a

matter of record that there was no any ad-interim order during the pendency of the application for temporary injunction.

4. Mr. Sawant, the learned Counsel for the appellants, expressed an apprehension that by the time the suit is decided, the reliefs which the Court may eventually grant may become infructuous as third party rights would be created in the intervening period.

5. It would be suffice to state that if the suit property is dealt with, in the intervening period, the rights and obligation of the parties would be subject to the outcome of the suit and the decree which may be eventually passed by the Court.

6. As the suit is subjudice since more than seven years, it may be appropriate that the suit itself be adjudicated expeditiously. Mr. Sakhare, the learned Senior Advocate for respondent No.2, the principal contesting defendant, submits that respondent No.2 would cooperate in the expeditious disposal of the suit.

7. The appeal thus stands disposed with a request to the learned Civil Judge, Senior Division, Palghar, to make an endeavour to decide the suit itself as expeditiously as possible and, preferably, within a period of one year from the date of the settlement of the issues. The parties shall render the

necessary cooperation in the expeditious adjudication of the suit.

8. The learned Civil Judge shall not be influenced by any of the observations made in the impugned order; which were apparently confined to the determination of the prayer for the temporary injunction.

9. In the meanwhile if the suit property is dealt with, the same shall abide the decree which may be eventually passed in the suit.

10. In view of disposal of the appeal, interim application does not survive and stands disposed.

**[N. J. JAMADAR, J.]**