

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

**APPEAL FROM ORDER NO.682 OF 2012
WITH
CIVIL APPLICATION NO.774 OF 2014**

Rachanna Co-op Hsg. Society Ltd.

..Appellant

Vs.

Rachana Engineers and Developers
and Ors.

..Respondents

None for the Appellant.

None for the Respondent.

CORAM : G.S. KULKARNI, J.

DATE : FEBRUARY 10, 2023.

P. C.:

This appeal from order has been filed challenging the order dated 7/5/2012 passed by the learned Judge, City Civil Court, Mumbai whereby Notice of Motion No.2214/2009, as filed by the Appellant came to be dismissed. The Notice of Motion was filed for interim injunction restraining the Respondents-Developers from obstructing the Plaintiff-Society and its members from entering their vehicles in the parking plot and against Respondent Nos.12 and 13 from giving any permission/sanction or to approve any plans of Respondent-Developers.

2. Perusal of the record indicates that by an order dated

16/7/2012 passed by this Court, during the pendency of the Appeal, the Appellants were permitted to use the compulsory open space existing in the compound/plot for parking of vehicles of the members.

3. None appears for the parties. It appears that the Appellants have lost interest to prosecute the present proceedings. It is likely that the suit itself is taken up and disposed of. In these circumstances, in my opinion the interim relief as granted by this Court shall continue to operate during the pendency of the suit in question, if the same has remained pending. The Appeal is disposed of. All contentions of the parties are expressly kept open. No costs.

[G. S. KULKARNI, J.]