

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 431 OF 2016

WITH

CIVIL APPLICATION NO. 558 OF 2016

Kedar Sanjiv Khadke

... Appellant

Versus

Mr.Bhikaji Ganpat Pawagi & Ors.

...Respondents

Mr.Drupad S. Patil, for the Appellant.

Mr.Hitesh P Vyas, for Respondent Nos.3 to 5 and 7 to 13.

CORAM: G. S. KULKARNI, J.
DATED: JANUARY 04, 2023

PC.

1. Heard learned Counsel for the parties. This appeal is directed against the Judgment and order dated 13 January 2016 passed by the learned 10th Joint Civil Judge, Senior Division, Pune, whereby an application for temporary injunction as filed by the appellant/plaintiff has been rejected.

2. The appeal itself is pending for quite some time. There is no interim order granting protection whatsoever to the appellant-plaintiff. It is stated that the suit in the meantime has progressed, issues are also framed.

3. In these circumstances, in my opinion, it would be appropriate that the suit itself be taken up for early adjudication and decided as early as possible. All contentions of the parties on merits of their respective claims are expressly kept open.

- 4.** Needless to observe that the observations in the impugned order are prima facie and the learned Trial Judge shall adjudicate the suit on its own merits and the evidence as may be placed on record by the parties. All contentions of the parties are expressly kept open.
- 5.** Disposed of in the above terms. No costs.
- 6.** In view of disposal of the appeal, pending Civil Application would not survive, the same stands disposed of.

(G. S. KULKARNI, J)