

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 537 OF 2016

Mr. Anant Ramchandra Bapat and Ors.	... Appellants
<i>Versus</i>	
Suraiya Co-Opertative Housing Society Limited and Ors.	... Respondents

Mr. Mehul Shah, for the Appellants.
Ms. Prachi Singh a/w. Mr. Sunny Parmar, i/b. Yasmin Bhansali & Co., for
Respondent No.1.

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

P.C.

- 1.** Heard learned Counsel for the parties. This appeal is directed against the Judgment and order dated 31 March 2016 passed by the learned Ad-hoc Judge, City Civil Court, Mumbai, whereby the notice of motion taken out by the appellants/plaintiffs for temporary injunction has been rejected.
- 2.** The appeal itself is pending for quite some time. There is no interim order granting protection whatsoever to the appellants-plaintiffs. It is stated that the suit in the meantime has progressed. In these circumstances, in my opinion, it would be appropriate that the suit itself be taken up for early adjudication and decided expeditiously. All contentions of the parties on merit of their respective claims are kept open.
- 3.** 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 on the evidence as placed on record by the parties.

- 4.** All contentions of the parties are expressly kept open.
- 5.** As the plaintiff No.1 is a senior citizen, liberty to move an application for early hearing of the suit.
- 6.** Disposed of in the above terms. No costs.

(G. S. KULKARNI, J)