

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 656 OF 2019
IN
SPECIAL CIVIL SUIT NO. 51 OF 2019
ALONGWITH
INTERIM APPLICATION NO. 3060 OF 2020
WITH
CIVIL APPLICATION NO. 753 OF 2019

Chatrapati Samabhaji Maharaj Sahakari c
Patsanstha Limited, Pimpode, Budruk
II

....Appellant

V/s.

Sagar Mahadeo Kate and Ors.

....Respondents

Mr. Girsh Godbole, Senior Advocate i/by Ms. Manjiri Parasnis, for the Appellant.

Mr. Tushar Sonawane a/w. Ms. Pooja Satpute, for Respondent Nos.1, 2 to 15, 18 to 21 and 24.

CORAM : SANDEEP V. MARNE, J.

Dated : 19 October 2023.

P.C. :

1. The challenge in the present appeal is to the order dated 30 April 2019 passed by the 3rd Joint Civil Judge Senior Division, Baramati rejecting Plaintiff-Appellant's application at Exhibit-5 for temporary injunction.

2. Plaintiff-Appellant has instituted Special Civil Suit No. 51/2019 essentially for a declaration that various release deeds executed by its Branch Manager in unauthorised manner releasing bank's charges over various suit properties are not binding on it. With a view to preserve the suit properties during the pendency of the suit, temporary injunction was sought against the Defendants from creating any third party rights therein.

3. It is seen that though the Trial Court rejected the application for temporary injunction by recording detailed reasons on 30 April 2019, this Court has passed the following order on 6 March 2020 in the present Appeal :

At the request of learned counsel for the Respondent Nos.1, 2 to 15, 18 to 21 & 24, stand over to 11th March 2020.

2. The parties are further directed to maintain status-quo as of today. On the next occasion, if it is reported that the Respondents have created further charge on the suit property, this Court will be constrained to pass an Order of status-quo ante on next occasion.

4. Considering the fact that the *status-quo* order is operating for the last 3 and ½ years, it would be appropriate if the same is continued during the pendency of the suit.

5. In that view of the matter, instead of determining the correctness of the order dated 30 April 2019 passed by the Trial Court, the present Appeal is **disposed of** by continuing the order of *status-*

quo granted by this Court on 6 March 2020 during pendency of the suit. The Trial Court is requested to expedite the hearing of the suit and to make an endeavor to decide the same as expeditiously as possible.

6. It is clarified that continuation of interim order granted by this Court on 6 March 2020 during pendency of the suit would not be construed as if this Court has considered the correctness of findings recorded by the Trial Court in order dated 30 April 2019. At the same time, the Trial Court shall not be influenced by the observations made in the present order while deciding the suit finally. All contentions of the parties on merits are kept open.

7. With the above directions the Appeal is disposed of. With disposal of the Appeal from Order, all pending interim applications filed therein do not survive. The same are disposed of as having become infructuous.

SANDEEP V. MARNE, J.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 107/2020
IN
APPEAL FROM ORDER NO. 656 OF 2019**

Chatrapati Sambhaji Maharaj

Sahakari Patsanstha, Pimpode Budruk

....Petitioner

V/s.

Sagar Mahadeo Kate & Ors.

...Respondents

Mr. Girish Godbole, Senior Advocate i/by. Ms. Manjiri Parasnis, for
the Petitioner.

CORAM : SANDEEP V. MARNE, J.

Dated : 19 October 2023.

P.C. :

1. None appears for the Respondents. List the
Contempt Petition on 11 December 2023.

SANDEEP V. MARNE, J.