

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 805 OF 2022
WITH
INTERIM APPLICATION NO.17321 OF 2022

Smt. Balibai Kisan @ Krushna Keni and Others ...Appellants

Versus

Shri. Raju Gana @ Ganesh Patil and Others ...Respondents

...

Mr. Drupad S. Patil, for Appellant.

Mr. P.S. Dani, Senior Advocate i/by Mr. Prashant Kulkarni, for Respondent
Nos. 3(i) to (iii).

Mr. Rohit Sakhadeo for Respondent No.6 - CIDCO.

...

CORAM : SANDEEP V. MARNE, J.

DATE : AUGUST 30, 2023.

P.C.:

1. By this Appeal, Appellant challenges order dated 22 March 2022 passed by the Civil Judge, Senior Division, Panvel by which the Appellants-Original Defendant Nos. 1 to 6 are not only restrained for creating third party rights in respect of the suit property but have been further directed to furnish details of enhanced compensation received by them. In Paragraph 21 (4) of the order, the trial Court issued following directions :

“The plaintiffs are directed to endeavour to get the present suit be disposed of within one year from the date of this order, otherwise, the interim protection, so granted, will stands vacated without any further order of this Court to that effect.”

2. It appears that since the Suit could not be disposed of within one year, Plaintiffs moved an application on 18 March 2023 for extending the order of temporary injunction till disposal of the suit. By order dated 23 March 2023, the trial Court has extended the temporary injunction till final disposal of the suit. While doing so, the trial Court has however not specified any outer limit within which the suit is to be disposed of.

3. Considering the fact that the trial Court itself felt that the hearing of suit is required to be expedited in the light of temporary injunction granted against Defendant Nos.1 to 8, it would be appropriate to request the trial Court to decide the suit in an expeditious manner rather than determining correctness of the order of temporary injunction.

4. The present Appeal is accordingly disposed of with a request to the trial Court to make an endeavour to dispose of the suit expeditiously, preferably within a period of one year from today.

5. All contentions of the parties are left open.

6. In view of disposal of Appeal, Interim Application No.17321 of 2022 does not survive and stands disposed of.

(SANDEEP V. MARNE, J.)