

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 945 OF 2022  
WITH  
INTERIM APPLICATION NO.18725 OF 2022

Sanjay Madhavrao Sawant

...Appellant

Versus

Ashok Mathurdas Panchal & Others

...Respondents

...

**Mr. Abhijit Kulkarni** a/w Mr. Arjun Kadam, for Appellant.

**Mr. R.R. Varma** a/w Mr. Sanket P. Thorat, for Respondent Nos.1, 3 & 4.

**Mr. Akshay Shetty** i/by AVC & Associates for Respondent No.6.

...

**CORAM : SANDEEP V. MARNE, J.**

**DATE : 06 NOVEMBER, 2023**

**P.C.:**

1. The challenge in the present Appeal is to the order dated 5 May 2022 passed by the City Civil Court partly allowing Notice of Motion No.1012 of 2016. The City Civil Court has granted temporary injunction in favour of the Appellant-Plaintiff to the extent of restraining Defendant Nos.1 to 5 from creating third party rights in the suit premises. However, Appellant/Plaintiff's prayer for appointment of Court Receiver has not been granted. To that limited extent, the present Appeal has been filed.

2. After arguing the Appeal for some time by the learned counsel appearing for the parties, it is seen that the suit is pending since the year 2015. The learned counsel appearing for Respondent Nos.1, 3 & 4 would submit that the suit is already fixed for evidence. In that view of the matter, instead of deciding the correctness of the order dated 5 May 2022, it would be appropriate to request the City Civil Court to take up the suit for final disposal.

3. Accordingly the Appeal is disposed of with a request to the City Civil Court to expedite the hearing of S.C. Suit No.2840 of 2015 and to make and endeavour to decide as expeditiously as possible, preferably within a period of one year from today.

4. All contentions of the parties on merits are left open.

5. In view of disposal of Appeal, Interim Application does not survive and stands disposed of.

**(SANDEEP V. MARNE, J.)**