

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO.936 OF 2022

Vivekanand Vasudeo Shenoy & Anr.

....Appellants

Versus

Somdatta alias Omkar Sadasiv Samb

....Respondent

...

Mr. Prashant Chavan i/b Mr. Sameer K. Sawant, for Appellants.

Mr. Sujay H. Gangal, for Respondent.

...

CORAM : SANDEEP V. MARNE, J.

DATE : SEPTEMBER 26, 2023

P.C.:

1. By this Appeal, Appellants challenge order dated 25 September 2019 passed by 2nd Joint Civil Judge Senior Division, Alibag by which application filed by Respondent-Plaintiff for grant of temporary injunction is allowed and the Appellants-Defendants are restrained by an order of temporary injunction from creating third party rights in respect of the suit property. This injunction is operational since 25 September 2019 i.e. for a period of four years by now. Therefore, instead of determining correctness of the order dated 25 September 2019, it would be appropriate that the suit itself is taken up for hearing.

2 The learned Counsels appearing for the parties would submit that issues in the suit have already been framed. Accordingly, the Appeal is disposed of with a request to the Trial Court to expedite the hearing of the suit and to

make an endeavour to decide it as expeditiously as possible, preferably within a period of two years from today.

(SANDEEP V. MARNE, J.)