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

**COMMERCIAL APPEAL FROM ORDER NO.21 OF 2022
IN
COMMERCIAL SUIT NO.4 OF 2022
WITH
INTERIM APPLICATION NO.30695 OF 2022
IN
COMMERCIAL APPEAL FROM ORDER NO.21 OF 2022**

Oscar Infrastructure Pvt. Ltd. & Anr. Appellants

Vs.

Apara Jagdish Wagh & Ors. Respondents

Mr. Vineet Naik, Senior Advocate a/w. Mr. Anoshak Davar, Kevin Pereira, Ashwin Sawlani I/b. Chinmaya Acharya for the Appellants

Mr. Anuj Desai I/b. Ram Ramrakhiani for the Respondents

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : AUGUST 4, 2023

P.C.

1. Heard learned Counsel for the Appellants - Defendant Nos.1 and 2 and the learned Counsel representing the Respondents – Plaintiffs.

2. This appeal seeks to challenge an ad-interim *ex-parte* injunction order dated 3rd December 2022 passed by District

Judge-II Kalyan in Commercial Suit No.4 of 2022. While passing ad-interim injunction, the learned Court below has also directed the Plaintiffs to take steps under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908.

3. After arguing at some length, the learned Senior Advocate for the Appellants - Defendant Nos. 1 and 2 submits that this Appeal may be disposed of with direction to the learned Court below to decide the temporary injunction Application moved by the Plaintiffs within a time bound period.

4. Learned Counsel representing the Respondents – Plaintiffs does not have any objection to the said prayer.

5. We have been informed that the Appellants – Defendants have put-in their appearance before the learned Court below and have also filed objections to the temporary injunction Application.

6. Accordingly, this Appeal as well as the Interim Application stand disposed of with direction to the learned Court below to make an endeavour to consider and decide the temporary injunction Application moved by the Plaintiffs after considering

the objections filed by the Appellants – Defendant Nos.1 and 2,
in accordance with law and with expedition, preferably within six
weeks from today.

(ARIF S. DOCTOR,J)

(CHIEF JUSTICE)