

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4411 OF 2017

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GANESH  
KULKARNI

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Date: 2024.11.26  
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Yuvraj Shamu More & Anr.

... Petitioners

V/s.

Shashikant Kalyanrao Londhe & Anr.

... Respondents

Mr. Umesh R. Mankapure with Ms. Stely J. Dias and  
Mr. Amol Konaki for the petitioners.

Ms. Nishi Singhvi i/by Mr. Kuldeep Nikam for the  
respondents.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 26, 2024

PC.:

1. The order impugned in the writ petition arises out of an order dated 30 November 2016 restraining petitioner from disturbing respondent No.1's possession over the suit property till the disposal of appeal.
2. The order of injunction is in force since 30 November 2016.
3. Learned advocate for the petitioners made a grievance that respondent No.3 – original defendant No.1 is not appearing and the proceedings of appeal are postponed on that ground.
4. It appears that in the Trial Court, the suit was contested by defendant Nos.1 and 2, i.e., present petitioners by filing written

statement. It also appears that the Trial Court on 27 October 2010 passed an order that the suit to proceed ex parte against defendant No.3. The relief sought in the application for temporary injunction in the appeal is against respondent Nos.1 and 2. Therefore, respondent Nos.1 and 2, i.e. present petitioners appear to be contesting respondents.

5. Hence, the Appellate Court is directed to decide the appeal within four months from the date of receipt of this order.

6. All questions raised by the petitioner in this writ petition are expressly kept open to be agitated before the Appellate Court.

7. The writ petition stands disposed of in above terms. No costs.

**(AMIT BORKAR, J.)**