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

WRIT PETITION NO. 3768 OF 2024

Emrald Leisures Ltd.

Formerly Known as Aapte Amalgamation Ltd. .. Petitioner

Versus

Shri. Datta India Pvt. Ltd. and Ors. .. Respondents

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- Mr. Atharva A. Dandekar i/by Hitendra Parab, Advocate for Petitioner.
 - Mr. Vineet Naik, Senior Advocate a/w. Mr. Sumanth Anchan, Kartikeya Desai and Ms. Sayli Shinde i/by Kartikeya & Associates for Respondent Nos.1 to 5.
 - Mr. Yuvraj D. Patil, AGP for Respondent No.7 – State.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 19, 2024.

P.C.:

1. Heard Mr. Dandekar, learned Advocate for Petitioner; Mr. Naik, learned Senior Advocate for Respondent Nos.1 to 5 and Mr. Patil, learned AGP for Respondent No.7 – State.

2. In the present matter, the Suit namely Regular Civil Suit No.418 of 2021 is filed by the Petitioner / Plaintiff seeking injunction in the Court of Joint Civil Judge, Senior Division, Satara. There is Exhibit “5” order as also order passed by the learned District Court due to which the Plaintiff is aggrieved and has filed the present Writ Petition. Considering that the Suit is for injunction only and both

parties claim to be in possession on the basis of their respective averments made in the pleadings, I am of the opinion that this Court should not at this *prima facie* stage opine on any of the merits of the matter or the findings returned by the Courts below unless evidence is led by the parties. This is so to ensure that both the parties are directed to maintain status quo as on today in respect of the Suit properties so that a direction can be given to the learned Trial Court to dispose of and decide Regular Civil Suit No.418 of 2021 as expeditiously as possible and preferably within a period of one year from today strictly in accordance with law. Accordingly, both parties are directed to maintain status quo as on today.

3. Both learned Advocates would submit that parties shall not take any unnecessary adjournments before the learned Trial Court and assist the Trial Court for expeditious disposal of the Suit within the aforementioned time frame as suggested and directed by this Court.

4. The learned Trial Court shall not be influenced by any of the observations and findings given in this order, the observations and findings returned in the Exhibit “5” order as also in the order passed by the District Court as they are purely *prima facie* in nature and shall determine the Suit strictly in accordance with law.

5. Be that as it may, all contentions of both the parties are expressly kept open before the learned Trial Court. Both the parties are

directed to prove their right, title and entitlement in the Suit proceedings by leading cogent evidence strictly in accordance with law.

6. With the above directions, Writ Petition stands disposed.

[MILIND N. JADHAV, J.]

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