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

WRIT PETITION NO. 5296 OF 2024

Poonam Vishal Popalbhat and Ors.

Petitioners

.. (Orig. Plaintiffs)

Versus

Baban Namdeo Virkar and Ors.

Respondents

.. (Orig. Defendants)

-
- Mr. Anil V. Anturkar, Senior Advocate a/w. Mr. Atharva Date, Advocate for Petitioners.
 - Mr. S.S. Kanetkar a/w. Mr. Devashish Godbole and Mr. Vibhav Gadre, Advocates for Respondents.
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CORAM : MILIND N. JADHAV, J.

DATE : JULY 11, 2024.

P.C.:

1. Heard Mr. Anturkar, learned Senior Advocate for Petitioners and Mr. Kanetkar, learned Advocate for Respondents.

2. Subject matter of challenge in the present Writ Petition are twin Exh. 5 orders passed by the Trial Court and the District Court refusing grant of injunction to the Plaintiffs. *Prima facie* it is seen that both orders are reasoned orders. Suit is filed in the year 2020.

3. Mr. Anturkar, learned Senior Advocate has taken me through both the Exh. 5 orders. I have perused the same. After going through the said orders, I am of the opinion that the observations and findings returned in both Exh. 5 orders passed by the Trial Court and the

District Court are *prima facie* in nature. I do not wish to substitute my view or imprimatur which will be once again a *prima facie* observation. Hence, while sustaining both these orders, it would be appropriate to pass directions for expeditious disposal of the suit proceedings. It is clarified that this Court has not given its opinion on any of the issues which have been *prima facie* decided by the learned Trial Court as also by the learned District Court.

4. In view of the above, the following order is passed:-

- (i) The learned Trial Court is directed by this Court to decide Regular Civil Suit No.144 of 2020 as expeditiously as possible and in any event within a period of six (6) months from today;
- (ii) Needless to state that the learned Trial Court shall not be influenced by any of the observations and findings returned in the Exhibit “5” order before the learned Trial Court as also in MCA while deciding the Suit proceedings on the basis of its own merits;
- (iii) It is clarified that parties shall not take any unnecessary adjournments and the Trial Court shall grant adjournment only if it is utmost necessary;
- (iv) Parties are directed to cooperate with the Trial Court

for expeditious disposal of the Suit proceedings; and

- (v) All contentions of both the parties are expressly kept open before the Trial Court.

5. Needless to state that the above order is passed specially in view of the given imprimatur on the *prima facie* findings returned by the Courts in Exhibit “5” proceedings and also order passed in MCA.

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

[MILIND N. JADHAV, J.]

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