



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14356 OF 2024

M/s. Vedant Landmark A Registered Partnership
Firm through its partner and Ors.

...Petitioners

vs.

M/s. Dynamic Reality Ventures

...Respondent

Adv. S. S. Patwardhan a/w Adv. Sejal A. Hariyan i/b P. Padmanabh and Associates:-	Advocate for the Petitioners.
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CORAM : S. M. MODAK, J.

DATE : 21st OCTOBER 2024

P.C. :-

1. Heard, the learned Counsel Mr. Patwardhan for the Petitioner/Defendants.
2. During the pendency of the suit there was an application for temporary injunction. The prayers are on page No. 261. The suit is pending before the Commercial Court, manned by District Judge-2 Pune. During the hearing of the application, the Commercial Court

directed both the parties to maintain the status quo on 10th July 2024. He has clarified that the status quo will operate in respect of the existing position of title and possession of the flats. This order is challenged by the Defendants.

3. The contention is that the parameters for granting temporary injunction application also needs to be satisfied when there is order of status quo. Those parameters were not satisfied as it is reflected from the impugned order. I have read the order.

4. Learned Judge has recorded that the Plaintiff's have started arguments on temporary injunction application and completed it. Even Defendants has started arguments, however could not be finished till last working day of summer vacation. On this background this status quo order is passed below Exhibit-16. You can put the party to terms only by passing a reasoned order. In no case the impugned order can be justified in set of above facts.

5. In fact the learned Judge ought to have expedited the hearing of remaining arguments of the Defendants. Instead he passed the impugned order. Considering the facts and circumstances, I am not inclined to interfere in the order. Instead direction can be given to the Trial Court to expedite the arguments on temporary injunction

application. It is true that such order can be challenged before Commercial Appellate Court. But considering the circumstances under which this order is passed and considering this Court is not expressing any opinion on merits, this Court is exercising writ jurisdiction. Hence, the following order:

ORDER

- a) The Court of District Judge-2, Pune is directed to expedite the hearing and final disposal of the Temporary Injunction Application below Exhibit-52.
 - b) Let the Trial Court to hear the remaining arguments of the Defendants and Plaintiff's, if remaining within the period of four weeks from uploading of this order and then to pass the order within a further period of two weeks.
 - c) The Petitioner to produce authenticated copy of this order before the Commercial Court.
6. With these observations, the writ petition stands disposed of.

[S. M. MODAK, J.]