



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3863/2024

M/s. Sterlight Fincom Pvt. Ltd. and another
Vs.
Nasheman Gruha Nirman Sahakari Sanstha and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.M. Bhangde, Advocate for petitioners
Mr. Ravi Srivastava, Advocate for Respondents
Mr. H.R. Gadhia, Advocate for Intervenor

CORAM: N.R. BORKAR, J.

DATED : 3rd JULY, 2024

This petition takes exception to the order dated 24.04.2024, passed by the learned District Judge, Nagpur in M.C.A. No.38/2024.

2. The respondent No.1 herein had filed a suit for perpetual injunction bearing Regular Civil Suit No. 4493/2001. By order dated 21.06.2022, the said suit was dismissed for want of prosecution. The respondent No.1 has thus filed an application for restoration along with an application for condonation of delay as there was delay in filing the restoration application. During the pendency of suit there was an interim injunction operating in favour of respondent which was granted by order dated 30.10.2002. The application was thus filed for grant of interim

injunction during the pendency of application for condonation of delay. By order dated 15.02.2024, the trial Court has allowed the said application and granted interim injunction. The appeal was filed against the said order of interim injunction, which came to be dismissed by the order impugned.

3. I have heard the learned counsel for the petitioners. They have raised several contentions. However, considering the fact that interim injunction was operating during pendency of suit for about 20 years instead of entertaining the petition on merit it would be appropriate to direct the trial Court to decide the application for condonation of delay expeditiously. The learned trial Court shall decide the application for condonation of delay as expeditiously as possible and in any case within three months from the date of receipt of copy of this order. In the event the suit is restored, the learned trial Court shall decide the suit within a period of nine months from the date of restoration.

4. The writ petition is disposed of in the aforesaid terms. No costs.

(N.R. BORKAR, J.)