



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

967 WRIT PETITION NO. 7120 OF 2025

Parag Sudhakar Kulkarni And Another

VERSUS

Sharad Eknath Kulkarni

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Advocate for the Petitioner : Mr. Patil Vijay Bhalerao

Advocate for Respondent No.1 : Mr. Girish S. Rane

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CORAM : ARUN R. PEDNEKER, J.

Dated : November 21, 2025.

PER COURT :-

1. Heard.

2. The learned Counsel for the petitioner submits that the petitioner had filed a suit for specific performance of an agreement. A separate suit was also filed by the respondent in respect of the same agreement seeking a declaration that the agreement was executed only for security purposes. The suit filed by the petitioner for specific performance came to be dismissed, and the declaratory suit was also dismissed. The petitioner preferred an appeal against the Judgment and order dismissing his suit for specific performance. The appeal is pending consideration. The petitioner had also filed an application for condonation of delay along with the appeal, in which interim relief was granted and continued during the pendency of the proceedings before the Trial Court. The learned Counsel submits that the injunction was granted in the delay condonation application during pendency of the delay condonation application.

3. The parties agree that the impugned order be quashed and set aside and that the matter be remitted to the Appellate Court to decide the

injunction application afresh.

4. I have not recorded the submissions on merits, as doing so may have some bearing on the disposal of the pending application. In view of the above, I have only recorded the consent between the parties to set aside the impugned order and remit the matter to the Appellate Court to decide the interim injunction application or the prayer made in the suit for interim relief afresh.

5. Till the decision on the pending application, status quo as of today shall be maintained. The interim orders granted by this Court shall continue until such decision. It is, however, clarified that the continuation of interim orders is not on the merits, and the Appellate Court shall decide the interim relief application / prayer for interim relief made in the suit on its own merits, without being influenced by the orders or any observation of this Court.

6. In view of the above, the petition stands disposed of. The Appellate Court shall decide the injunction application / interim relief prayer within a period of four weeks.

(ARUN R. PEDNEKER, J.)

vj gawade/-.