

Shabnoor

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

WRIT PETITION NO.8902 OF 2022

Pandurang Narayan Patil & Anr. ... Petitioners
V/s.
Balkrishna Ramchandra Patil
(Deceased) Through Legal Heirs & Ors. ... Respondents

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Mr. Ashutosh M. Kulkarni for petitioners.

Mr. Dilip Shinde for respondents.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 9, 2025

P.C.:

1. The petitioners are original plaintiffs who filed the suit for specific performance of contract wherein the petitioners filed an application for temporary injunction restraining respondent No.3 from creating third party rights. Both the Courts below have rejected petitioners' application. At least, since 7th December 2020, there is no injunction in petitioner's favour. Therefore, at this stage, it is not necessary to interfere with the impugned order.

2. However, it is made clear that the findings recorded by the Courts below nor the observations made in the impugned order shall not bind on the Trial Court while deciding the suit. The Trial

Court shall decide the suit on its own merits uninfluenced by the observations in the impugned judgment and orders passed by the Courts below.

(AMIT BORKAR, J.)