

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7315 OF 2024

Genba Sopanrao Moze Trust Through Its Chairman/Trustee ..Petitioner

Versus

Municipal Corporation of City of Pune & Ors ...Respondents

Ms. Shruti Tulpule, for the Petitioner.

Mr. Akshay Naidu, i/b Vishwanath Patil, for Respondent No.1.

Mr. Praful Shah, i/b Kayval Shah, for Respondent Nos. 2 and 3.

CORAM: N. J. JAMADAR, J.

DATED : 23rd APRIL 2025

P.C.:

- 1.** Heard the learned Counsel for the parties.
- 2.** The challenge in this Petition is to the judgment and order dated 29th September 2023, passed by the learned District Judge, Pune in MCA No. 236 of 2018, whereby the Appeal preferred by the Petitioner-Plaintiff came to be dismissed affirming an order dated 12th June 2018, passed by the Trial Court rejecting an application for temporary injunction preferred by the Petitioner-Plaintiff.
- 3.** The Suit in which the order of rejection of the Application for temporary injunction has been passed, was instituted in the year 2016. Having regard to the time lag, at this stage, there is no propriety in

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entertaining this Petition. However, as the dispute revolves around the alleged use of the Plaintiff's property for access to the property of Defendant Nos. 2 and 3, it may be expedient in the interest of justice to decide the Suit itself expeditiously.

4. The Petition stands disposed with a request to the learned Civil Judge, Senior Division, Pune, seized with SCS No. 190 of 2016 to hear and decide the said Suit as expeditiously as possible and preferably within a period of one year from the date of communication of this order.

5. All contentions of all the parties are kept open and the trial Court shall not be influenced by the impugned order and the order passed on the Application for temporary injunction while finally adjudicating the Suit.

6. Petition disposed.

[N. J. JAMADAR, J.]