

Sumedh

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

**APPEAL FROM ORDER NO.648 OF 2024
WITH
INTERIM APPLICATION NO.12828 OF 2024
IN
APPEAL FROM ORDER NO.648 OF 2024**

The Equus Stud Pvt Ltd.

... Appellant

V/s.

Dharmil A Bodani & Ors.

... Respondents

Ms. Aakanksha Saxena a/w Ms. Jigisha Vadodaria & Ms. Masira Lulania for Respondent Nos. 1 to 3.

CORAM : KAMAL KHATA, J.

DATED : 26TH FEBRUARY 2026.

P.C. :

1. None for the Appellants.
2. The Advocate for Respondent Nos. 1 to 3 submit that the Respondent 1 to 3 are the Original Plaintiffs in Suit No.115 of 2024 filed before the Ld. Joint Civil Judge, Senior Division, Vadgaon - Maval ("*Ld. Trial Court*") and the Appellant is the Original Defendant No.1 in the said Suit.
3. By an Application being Exhibit 25 dated 28th August 2024,

the Defendant No. 1 sought an adjournment for filing its Written Statement, which was allowed by an Order dated 28th August 2024, subject to the condition the Defendant No. 1 shall not obstruct the Plaintiffs from using the Suit Road.

4. The Defendant No. 1, on the same date, by another application being Exhibit 27 sought a stay of the very same Order dated 28th August 2024, which was rejected by another order dated 28th August 2024.

5. The present Appeal challenges both the aforesaid Orders dated 28th August 2024.

6. In the present Appeal this Court by an order dated 13th September 2024, accepted the statement of both Advocates that the Injunction Application namely Exhibit 5 filed by the Plaintiffs would be finally heard and decided before the Ld. Trial Court. Accordingly, the hearing of this Appeal from Order was adjourned.

7. By Order dated 10th October 2024, the Ld. Trial court has allowed the Exhibit 5 Application of the Plaintiffs.

8. In view of the above, the present Appeal from Order and Interim Application becomes infructuous.

9. The Advocate fairly points out that the Defendant No. 1 has, filed an Appeal from Order No. 865 of 2024 challenging the Order dated 10th October 2024 passed by the Trial Court.

10. In view of the above, the present Appeal along with the Interim Application stand dismissed as infructuous.

(KAMAL KHATA, J.)