

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) NO. 9980 OF 2026
WITH
INTERIM APPLICATION (ST) NO. 9981 OF 2026

M/s. Vedant Landmark & Ors.

Appellant

.. (Org. Defendants)

Versus

M/s. Dynamic Realty Ventures

Respondent

.. (Org. Plaintiff)

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- Sejal A. Hariyan i/by P. Padmanabh & Associates, Advocates for Appellant

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 7, 2026

P. C.:

1. Not on board. Mentioned by way of filing a praecipe dated 07.05.2026.
2. Heard learned Advocate for Appellant i.e. Org. Defendant.
3. For the sake of convenience, the parties shall be referred to in terms of their status before the Trial Court.
4. Plaintiff has filed the Suit for declaratory reliefs, injunction and damages against the Defendant which is nomenclatured as Commercial Suit No. 45/2022. Plaintiff has also filed Exh. 52 Application along with Suit proceedings but the same has been kept on adjourning till date. All this is in view of the impugned order passed below Exh. 60 allowing temporary injunction to the Plaintiff.

Defendant is admittedly aggrieved and moved this Court today because of the aforesaid humongous delay. In such scenario admittedly there is bound to be delay. There is delay of 466 days in filing the present Appeal from Order (AO) also. Therefore learned Advocate has moved Interim Application for condonation of delay. The Interim Application is allowed. Delay in filing AO is condoned. AO is taken up for hearing forthwith.

5. After hearing the submissions made by learned Advocate for Appellant and perusing the grounds of urgency in the praecipe, I am of the opinion that no purpose whatsoever will be served by keeping the present AO pending in this Court even if the delay is condoned. Challenge before the Court is to the temporary injunction order which is passed almost four years ago by the Trial Court. In the interregnum Exh. 52 order ought to have been passed. Learned Advocate on instructions submits that Exh. 52 Application is still pending before the Trial Court and is being adjourned from time to time. In that view of the matter, keeping all contentions of both the parties expressly open, learned Trial Court is directed by this Court to dispose of the pending Exh. 52 Application in Commercial Suit No. 45/2022 as expeditiously as possible and in any event within a period of eight weeks from today. It is stated that ethos of filing the Commercial Suit itself gets defeated if injunction Application is kept pending in this fashion and not

decided by the Court for such a long period of time. In view of this, present AO stand allowed in the above terms.

6. Copy of this order shall be placed before the learned Principal District Judge, Pune to ensure that the concerned Court hearing Exh. 52 Application will comply with this order without causing any further delay in hearing of the Exh. 52 Application.

7. All contentions of the Plaintiff as also Defendant before the Trial Court are expressly kept open without this Court giving any imprimatur on merits of the matter. Trial Court shall decide the Exh.52 Application being uninfluenced by the observation and findings in the order passed below Exh.60.

8. With the above directions, Appeal from Order and Interim Application are both disposed.

Amberkar

[MILIND N. JADHAV, J.]

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