

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.392 OF 2026
WITH
INTERIM APPLICATION NO.3059 OF 2026

M/s. V. V. Enterprises And Ors

.. Appellants

Versus

Shree Mandar Co-operative Housing Society
Limited

.. Respondent

- Mr. Drupad Patil a/w. Mr. Suyash Sule, Advocates for Appellants.

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 23, 2026

P.C.:

- 1.** Mentioned out of turn at the time of rising.
- 2.** Heard Mr. Patil, learned Advocate for Appellants.
- 3.** The impugned order is passed below Exhibit-5 in Regular Civil Appeal No.25 of 2025 by the learned Appeal Court. This is subject matter of Appeal from Order before me.
- 4.** Mr. Patil fairly in his usual fairmindedness persuades the Court to make the Appeal time bound and dispose of the present Appeal from Order without giving any imprimatur on merits. In support of his submissions he would persuade the Court to consider the fact that in so far as the suit before the learned Trial Court was concerned, the Supreme Court expedited the hearing of the said Suit pursuant to which the said Suit was dismissed by the Trial Court in

favour of the Appellant.

5. He would submit that the Plaintiff therefore filed Regular Civil Appeal in which Plaintiff has been granted temporary injunction. He would clarify that in the Regular Civil Appeal, the order granted by the Appellate Court is that of *status quo*. He would submit that if appropriate direction is passed for disposal of the Appeal on merits within a time bound schedule and programme, it will not prejudice the rights of the Plaintiff or that of any other party. He would therefore persuade the Court to pass appropriate orders.

6. Mr. Patil is right in his contentions. There is no purpose in keeping such an Appeal from Order pending in this Court. Appropriate order is requested by Mr. Patil in the best interest of both the parties who are before the Appellate Court which can be directed to dispose of pending Regular Civil Appeal in a time bound manner.

7. Needless to state that this Court has not expressed any imprimatur on the merits of the matter. All contentions of Plaintiff who is before Appellate Court in Regular Civil Appeal No.25 of 2025 before the District Judge, Kalyan are expressly kept open.

8. In that view of the matter, present Appeal from Order stands disposed with direction to the District Judge, Kalyan to dispose of Regular Civil Appeal No.25 of 2025 within a period of six months from today keeping all contentions of both the parties expressly open.

9. Since the Appeal from Order is disposed by this order, for the purpose of information and intimation of original Plaintiff, copy of this order and Appeal from Order shall be served on Plaintiff by Advocate for Appellant – Defendant before me.

10. With the above directions, Appeal from Order is disposed. In view of disposal of Appeal from Order, pending Interim Application is also disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]