

CASE NO.:
Appeal (civil) 1775 of 2006

PETITIONER:
SUBHASH VIJAY SINGH & ANR

RESPONDENT:
KUSUMLATA VIJAY SINGH

DATE OF JUDGMENT: 03/03/2008

BENCH:
TARUN CHATTERJEE & HARJIT SINGH BEDI

JUDGMENT:
JUDGMENT

O R D E R

CIVIL APPEAL NO._1775 OF 2008.
(@ SLP(C)NO.20355/2006)

Leave granted.

Heard learned counsel for the parties.

This appeal is directed against an interim order passed by the High Court of Judicature at Bombay on Civil Application No.1088/2006 in Appeal from Order No.794 of 2006. At the time of issuance of notice on this special leave petition, this Court passed the following interim order on 15.12.2006:

"In the meantime, operation of the impugned order of the High Court is stayed. However, the Trial Court may proceed to consider the interim application in which the impugned order has been passed by the High Court, uninfluenced by the observations made by the High Court in the impugned order dated 27.11.2006."

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In view of the aforesaid order, we are of the view that only order that can now be passed on this special leave petition is to continue the above interim order till final disposal of the original application for temporary injunction i.e. Civil Application no.1088/2006 in Appeal from Order No.794/2006 in Notice of Motion no.4152/2006 in S.C. Suit No.4585/2006. We are informed that the said application would be listed for final disposal on 15th March, 2008. That being the position, we direct the Trial Court to decide the said application on merits positively on that day or within a period of fortnight from that date without granting any unnecessary adjournment to either of the parties. The Civil Appeal is accordingly disposed of with no order as to costs.