

Order below Exh.1

1. The present appeal has been preferred by the appellant under Order 43, Rule 1 of the Code of Civil Procedure, challenging the order dated 24.01.2014, passed by the Principal Sr. Civil Judge, Viramgam, whereby the Appellant's application for temporary injunction (Exh-5) in Old Sp. Civil Suit No.337/11 (afterward renumbered as RCS No.58/2015 and thereafter Finally numbered as RCS 172/2016) was rejected.
2. During the pendency of this appeal, although many times called out the parties, none of the parties neither appellant/applicant nor respondent/opponent, or their Id. Advocates – presented before this court today. Looking to the records of the case, it has been brought and confirmed that the main Suit (Old Suit No. Sp. Civil Suit No. 337/11 (afterward New RCS no.58/2015 and thereafter Finally numbered as RCS No.172/2016) was dismissed for default due to the non-appearance of both parties by the Trial Court Principal Civil Judge, Mandal, vide order dated 07.12.2018.
3. It is settled principle of law that an interlocutory application (Exh-5) for temporary injunction is co-terminus with the main suit. The relief sought in such an application is intended only to preserve the status quo during the pendency of the litigation. Moreover, when the main suit has reached a final conclusion (dismissal), an appeal against a temporary order within that suit cannot be decided on its merits.
4. Since the main suit itself stands dismissed and is no longer pending in the Trial Court, the present appeal challenging an interim order passed therein has been rendered infructuous. Moreover, it is not come on the

record that the parties of the original suit has filed an appeal against the dismissal of the main suit. It is also pertinent to note that this misc. civil appeal is old more then 10 years. No life can be infused into an interim proceeding once the substantive suit has reached its finality, unless the order of dismissal of the main suit is itself under challenge. Hence, I passed the following order:

ORDER

- The present MCA is hereby dismissed as it become infructuous and dismissed for non-prosecution.
- Any interim stay or protection granted by this Court during the pendency of this appeal stands vacated.
- No order as to costs.

Signed and pronounced in the open Court on 18th day of April, 2026.

Date : 18/04/2026
Place : Viramgam.

[H. A. Upadhyay]
6th Additional Sessions Judge,
Ahmedabad [Rural] at Viramgam.
[UIC No. GJ00635]