

ORDER BELOW EXH. 156 IN R.C.S. 30/ 2021

By way of this application, Ld. Adv. for defendant no. 1 Shri. Dhaval sought adjournment. It is contended that this Court had struck out the defence vide order passed below Exh. 127. Against the said order, an appeal has been raised at Hon'ble District Court, Ratnagiri of which appeal no. is Misc. Appeal no. 45/2024. It is pending. Hence, adjournment is sought.

02. On this application, say of other side was called. The application is strongly resisted and contended that there is no express stay order from Hon'ble Appellate court. Hence, application may be rejected.

03. Heard both. Perused record. It appears that application at Exh. 127 was allowed and defence was struck out of defendant no. 1 for breach of injunction. Thereafter, the application pending at Exh. 56, which was T.I. by defendant no. 1 and application at Exh. 69 which is application for rejection of plaint was kept for arguments. However, despite giving sufficient opportunities, defendant no. 1 has failed to proceed with those arguments. Technically, there appears no express stay order in the suit by Hon'ble Appellate court. However, despite that, in

order to avoid multiplicity of litigation, adjournments were granted on many dates to defendant no. 1. He is absent on each date. Only counsel appearing on his behalf is making submissions.

04. The application for interim injunction is urgent relief. Its purpose may get frustrated if kept pending for long time. Since defendant no. 1 has not taken steps so far, these applications deserve to be filed only. Hence, following order is passed:-

ORDER

1. Applications at Exh. 56, 69 are filed.
2. Plaintiff to file affidavit in lieu of examination in chief if any on next date.

Place - Deorukh
Date:-05/03/2025.

(Shruti H. Patil)
Jt. Civil Judge J. D. Deorukh