

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 738 OF 2015

ULHAS NARAYAN GAOLI
VERSUS
BHAGWAN WAMANRAO DHAMANGAONKAR (DIED),
THROUGH LRS JYOTI BHAGWAN DHAMANGAONKAR AND OTHERS

...
Advocate for Petitioner : Mr. D. K. Kulkarni.

...
CORAM : **SUNIL P. DESHMUKH, J.**
DATE : 19th August, 2015.

Per Court:

1 The learned counsel for the petitioner points out the *pursis* filed by him while the trial Court had considering the application for temporary injunction at the instance of the plaintiff. The trial Court had injuncted the petitioner despite the *pursis*. The petitioner had been in Miscellaneous Civil Appeal before the Appellate Court. The Appellate Court in paragraph No.11 of the order has observed thus:

“11. The plaintiff has not filed qualified undertaking supported with affidavit. If, he really do not want to alienate the suit property by the said order of injunction, no prejudice will be going to cause to him, still he has filed this appeal. Thus, it appears that, he has been

changing his stand. It appears that, he is interested in selling the property. He wanted to create complications in the matter. No mistake has been committed by the learned trial Judge in passing temporary injunction order against him. In view of above stated sale deed prima facie in view of these circumstances, defendant No.2 could not get title to the suit property. On the basis of it, he can not claim ownership over the suit property. Therefore, I hold that, appellant failed to make out any case for interference in the order of the learned trial Judge, therefore, no merit in the appeal, hence, I proceed to pass the following order:

ORDER

Appeal is dismissed with costs.”

2 The reasons appearing in the order of Appellate Court do not appear to be improper. This is not a case wherein exercise of extraordinary powers would be required to be invoked.

3 In the circumstances, the writ petition is not being entertained and is rejected. However, the trial Court may dispose of the suit as early as possible preferably within a period of six months from the date of receipt of writ of this order since the learned counsel for the petitioner states that the suit is at evidentiary stage.

4 With these observations, the writ petition stands
disposed of.

[SUNIL P. DESHMUKH, J.]

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