

IN THE HIGH COURT OF JUDICATURE OF BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 11782 OF 2014

Madhukar Kisan Dhaije
& others

... Petitioners

Versus

Ram Narayan Ghodke
& another

... Respondents

.....

Mr. V.V. Bhavthankar, Advocate for petitioners
Mr. S.R. Choukidar, Advocate for respondent No. 1

.....

CORAM : RAVINDRA V. GHUGE

DATED : 5th JANUARY , 2015

PER COURT :

1. I have heard the learned Advocates for the respective sides for quite some time.

2. Issue is as regards injunction granted in favour of the petitioner, by allowing application Exhibit 5 in R.C.S. No. 194 of 2014 vide order dated 12-08-2014 and the same having been set aside in Misc. Civil Appeal No. 24 of 2014 by judgment and order dated 17-12-2014.

3. Since it is an interlocutory order and the Regular Civil Suit is pending adjudication before the Trial Court. I am not inclined to

interfere. The litigating parties assure this Court of extending cooperation to the Trial Court for the expeditious disposal of R.C.S. No. 194 of 2014.

4. In the light of the above, this petition is disposed off with a direction to the Trial Court to decide R.C.S. No. 194 of 2014 as expeditiously as possible and preferably on or before the 31st day of January, 2016. The litigating parties shall refrain from seeking adjournments on unreasonable or trifle grounds and shall extend their cooperation to the Trial Court for the disposal of the suit within the time frame as directed here-in-above.

5. The litigating parties shall not create third party interest or any encumbrances on the suit property. The mutation entries that may have occurred prior to the institution of the suit and thereafter, shall be subject to the result of the suit before the Trial Court in the light of the judgment of this Court in the case of **Shrikant R. Sankanwar & others Vs. Krishna Balu Naukudkar**, reported at 2003 (3) Bom.C.R. 45.

(**RAVINDRA V. GHUGE, J.**)