

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1787 OF 2014

Uttam S/o Naban Babulkar & Ors.

-vs-

Janardhan s/o Dinkar Ambhore

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. d. Wakode, Advocate for petitioner.

Shri N. R. Saboo, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.

DATE : JUNE 19, 2015

By the present petition, the defendants have challenged the order passed by the Appellate Court dismissing their misc. appeal and confirming the order of interim injunction granted by the Trial Court on 18/12/2010. By the said order, the present petitioners have been restrained from obstructing the possession of the plaintiffs.

Though the learned counsel for the petitioners has submitted that the findings recorded by the trial Court and affirmed by the first Appellate Court are not based on the material placed on record, considering the fact that the order of injunction granted by the Trial Court is operating since 18/12/2010, interests of justice would be served if the following order is passed :

Keeping the rights and contentions of the parties open, the Trial Court is directed to expeditiously decide R.C.S. No.52 of 2010. It is made clear that continuation of interim relief should not be construed as affirming the

interim orders. The respective rights and contentions of the parties are kept open and the Trial Court shall decide the suit in accordance with law.

Writ petition is disposed of with no order as to costs.

JUDGE