

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2258 OF 2012

Digambar Devidas Kulkarni thr L.Rs. Lila Kulkarni & Ors. Vs. Dinkar D. Kulkarni & Ors.

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

Court's or Judge's Order

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 Shri S. R. Deshpande Adv for petitioners.
 Shri N. A. Vyawahare Adv for respondents.

CORAM: A. S. CHANDURKAR J.

DATED: JUNE 08, 2015.

Considering the short issue involved the writ petition is heard finally.

The petitioners are the legal representatives of the original plaintiff who had filed suit for permanent injunction in respect of field Sur. No. 28. In said suit the plaintiff sought an order of temporary injunction which was granted by the trial Court on 15.03.2011. The first appellate Court by judgment dated 28.04.2012 allowed the appeal preferred by the original defendants and vacated the order of interim injunction. This Court while issuing notices directed the parties to maintain status quo as on 07.05.2012. The said order continues to operate even today.

Considering the aforesaid position and the fact that the suit itself can be decided on merits as it has been filed in the year 2010, the following order would serve the interest of justice.

Without entering into the merits of the rival contentions the

proceedings in Regular Civil Suit No. 37 of 2010 are expedited and the trial Court is directed to decide said suit by the end of March 2016.

The parties shall continue to maintain status quo as on 07.05.2012 during pendency of the suit.

It is clarified that this Court had not examined the merits of the rival submissions and trial Court shall decide the suit independently on the basis of evidence before it.

In view of aforesaid order Civil Application No. 844 of 2015 does not survive and same stands disposed of. Rule is made absolute in aforesaid terms. No costs.

JUDGE

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