

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3349 OF 2013

SANDIPAN S/O MARUTI JADHVAR AND OTHERS PETITIONERS
VERSUS
SATISH S/O UTTARESHWAR JADHVAR RESPONDENT

Mr.N.P.Bangar, Advocate for the petitioners.
Mr.P.G.Tambde h/f Mr.S.S.Jadhavar, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 06/01/2016

PER COURT :

1. The petitioner has challenged the judgment dated 11/01/2013 delivered by the Appeal Court in Misc.Civil Appeal No.87/2009 by which injunction has been clamped upon the petitioner, who is the original respondent in RCS No.192/2009.

2. Grievance against the impugned judgment is that by order dated 09/09/2009, the Trial Court has rejected Application Exh.5 and thereby refused injunction to the respondent under Order 39 Rule 1 of the CPC. After 4 years of the said order, the Appeal Court has allowed the appeal filed by the respondent and has granted injunction. It is further pointed out that this Court, by its order dated 18/04/2013, has granted status-quo to the petitioner. Since then, the impugned order of the Appeal

Court has not been brought into implementation.

3. I have heard the learned Advocates for the petitioners and the respondent on 05/01/2016 and today. RCS No.192/2009 is pending adjudication. Ends of justice would be met by continuing the protection granted by this Court on 18/04/2013 and by directing the Trial Court to decide the pending suit expeditiously.

4. In the light of the above, this petition is disposed of by continuing the interim protection granted by this Court dated 18/04/2013 till the final disposal of RCS No.192/2009.

5. The Trial Court is expected to decide the said suit as expeditiously as possible and preferably on or before 21/10/2016. The litigating sides shall extend their co-operation to the Trial Court and shall refrain from seeking adjournments on unreasonable or trivial grounds.

(RAVINDRA V. GHUGE, J.)