

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3496 OF 2013

DEELIP MANIKRAO BHOSALE
VERSUS
SUBHASH MANIKRAO BHOSALE

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Advocate for Petitioner : Shri Patil S.Y. h/f Shri Patil B.N.
Advocate for Respondent : Shri Raje V.P. h/f Shri Deshpande C.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 19, 2016
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PER COURT :-

1. The petitioner is aggrieved by the judgment and order dated 2.4.2013, by which, Misc. Civil Appeal No.32 of 2012 has been allowed and an injunction has been clamped upon the petitioner.
2. By order dated 3.3.2012, the trial Court had rejected application Exhibit 5 filed by the respondent / plaintiff in RCS No.397 of 2011. By the impugned judgment and order, the Misc. Appeal filed by the respondent / plaintiff was allowed. The respondent / defendant, who is petitioner herein, has been restrained from obstructing the peaceful possession and enjoyment of the pipeline laid in S. No. 261/B till disposal of the main suit.
3. By an order dated 24.4.2013, this Court, while issuing notice to the respondent, has directed the litigating sides to maintain status quo. The said ad-interim order is said to be in force, even till today, practically for the last 2 years and 9 months.
4. I have heard the learned Advocates for the respective sides for quite sometimes. Considering the fact that temporary injunction as prayed for below Exhibit 5, under Order XXXIX Rule 1 of the CPC had been rejected and which was granted by the appeal Court and these proceedings arise out of an interlocutory order, I am not entertaining this petition.

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5. Ends of justice would be met in directing the trial Court to decide the suit within a particular time frame and by continuing the interim relief granted by this Court.

6. In the light of the above, this petition is disposed off with a direction to the trial Court to decide RCS No.297 of 2011 on/or before the 27.10.2016. Interim relief, directing status quo to be maintained as on 24.4.2013 shall continue till the disposal of the said suit.

(RAVINDRA V. GHUGE, J.)

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