

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.619 OF 2013

Mahadev Tatyaba Walekar Vs. Sambhaji S/o Babasaheb Maind and another.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.C.V.Dharurkar, advocate for the petitioner.
Ms.S.V.Salunke, advocate holding for Mr.V.D.Salunke, advocate for Respondent Nos.1 and 2.

CORAM : S.V.GANGAPURWALA, J.

Date : 28.04.2016.

PER COURT :

1. Heard.
2. Mr.Dharurkar, learned counsel for the petitioner submits that he is instructed by the trial Court lawyer that the parties may settle the matter. It is for the parties to take steps in that regard. The suit is filed in the year 2010. There is an endorsement on Exh.1 of the learned Judge on 18.7.2011 that since December, 2010, the suit is fixed for evidence.
3. The application for temporary injunction is rejected by the trial Court. The same is confirmed in appeal by the District Court.
4. It would appear that since 2010, there is no order of injunction in favour of the petitioner. The suit must have

proceeded much further. As in 2011, also the suit was fixed for evidence. Both the Courts have concurrently observed about the factum of possession. No case for interference.

5. Needless to state, the observations made by the Courts while deciding the application for temporary injunctionnn application are only prima facie in nature and the suit will have to be decided on its own merits on the basis of the evidence adduced before it and de hors the observations made at the time of deciding application for temporary injunction.

6. The Writ Petition is disposed of. No costs.

(S . V . GANGAPURWALA, J .)

Dt.28.04.2016.
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