

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

writ petition no. 10926 of 2014

Shri Siddharth Ambu Patare and ors. .. Petitioners

VS

Manisha Bapusaheb Tambe and ors. .. Respondents

Mr. Mukul S. Kulkarni, Advocate for petitioners

CORAM : SUNIL P. DESHMUKH, J.
21ST MARCH, 2016

ORDER:

1. Heard learned counsel for the parties.
2. This is a writ petition by original plaintiffs purported to have been aggrieved by the orders of refusal to grant injunction passed by the courts, trial as well as appellate, under orders dated 08-08-2012 and 10-10-2014 on application at Exhibit-5 and in miscellaneous civil appeal no. 112 of 2012 respectively.
3. The trial court has in details dealt with the aspects involved in the matter, particularly that defendant no. 3 has sold the suit property in favour of defendants no. 1 and 2 under a registered sale deed and put them in possession and that even mutation was accordingly carried out in their names albeit their names were recorded in other rights column and that litigation in respect of the same is going on.

4. It appears that there was a suit bearing regular civil suit no. 9 of 2009 and pursuant to decree in the same sale deeds have been executed. There was also a suit bearing regular civil suit no. 355 of 2009 claiming a right of preemption in which application for temporary injunction was filed but it was rejected. However, appeal against the same was allowed. The defendants had moved writ petition bearing no. 1307 of 2011 and it was allowed and accordingly defendants no. 1 and 2 are considered to be in possession of suit property.

5. Aforesaid aspects cannot be said to have been overturned presently in the matter.

6. Having regard to aforesaid, the appellate court as well, by impugned order had refused to consider request for temporary injunction and has endorsed the approach of trial court.

7. In the circumstances, I do not think that exercise of powers under discretionary jurisdiction is called for.

8. Writ petition as such is rejected.

9. At this stage, learned counsel requests for expeditious disposal of *lis* between the parties.

10. In view of the position that litigation in respect of suit property is pending since 2009 in the form of regular civil suit no.

355 of 2009 and present suit is of 2011, it would be worthwhile if trial court takes up the proceedings for expeditious disposal, preferably within a period of one year from the date of receipt of writ of this order.

SUNIL P. DESHMUKH,
JUDGE

pnd