

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

6 WRIT PETITION NO. 12218 OF 2016
WITH WP/12219/2016

HIRAMAN BABURAO SURYAWANSHI
VERSUS
HEMLATA RAJENRA PATIL

...
Advocate for Petitioner : Tripathi Sushilkumar H.
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CORAM : T.V. NALAWADE, J.
DATED : 15th December, 2016.

ORDER :

1. The petitions are filed to challenge the orders made by the learned Civil Judge, Senior Division, Jalgaon by which the Court has observed that opportunity can be given to both the sides to advance argument on application filed for relief of temporary application. Heard the learned counsel for petitioner.

2. It appears that two suits were filed for relief of injunction and one suit is filed for relief of declaration which is in respect of sale deed of 2006. On the application made by the present petitioner, the two suits which were pending in the Court of Civil Judge, Junior Division, Chalisgaon were transferred to the Court of Civil Judge, Senior Division, Jalgaon, where the suit for declaration is pending. Then the application was moved by the present petitioner to club the three suits and to record the

evidence for all in one suit and to read the said evidence for remaining two suits. This prayer is also allowed by the Trial Court.

3. Present petitioner has a grievance that the Trial Court has observed that the temporary injunction applications will be decided and opportunity will be given to both the sides on temporary injunction applications. The learned counsel for petitioner submitted that when issues are framed in one suit and the three suits are clubbed together, the suits can be decided expeditiously and there is no need of hearing the temporary injunction applications. He submitted that if the temporary injunction applications are heard and some orders are made, the orders will be challenged by the other side and that is the time consuming affair and due to this, the decision of the suit will be delayed. There is clear misconception. If there are temporary injunction applications, the Court is expected to decide those applications first. If application is decided in favour of petitioner or in favour of other side, one side challenges the order made on temporary injunction application by filing appeal, Misc. Appeal, then such further proceedings can never be stayed the main proceeding and main proceeding can go on. Thus, there is misconception in the mind of petitioner that due to decision on

temporary injunction applications, decision of the main proceeding will be protracted. This Court sees no reason to interfere in the order made by the Trial Court Judge. In the result, both the petitions stand dismissed.

[T.V. NALAWADE, J.]

SSC/