

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 486 OF 2016

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. E. K. Sasidharan for the Petitioner.
Mr. B. G. Ligade for the Respondent.

**CORAM : K. K. TATED, J.
DATED : 22/07/2016**

PC.:

. Heard learned Counsel for the parties.

2 By this petition under Article 227 of Constitution of India, the Petitioner Defendant No.1 is challenging the order dated 28.11.2014 passed by learned District Judge-1, Palghar in Misc. Civil Appeal No. 31 of 2013 setting aside order dated 10.12.2013 passed by learned Joint Civil Judge, Junior Division, Palghar below Exh. 5 in Regular Civil Suit No. 192 of 2013 and restraining the petitioner Defendant No.1 from disturbing the possession of the plaintiff over the suit property by himself or by his agent, servant, legal heirs etc. till the hearing and final disposal of the suit.

3 The learned Counsel for the petitioner Defendant No.1 fairly pointed out that the trial in Regular Civil Suit No. 192 of 2013 has begun. The

plaintiff already filed his affidavit of evidence.

4 Considering the submissions made by the learned Counsel for the petitioner and as trial has begun in Regular Civil Suit No. 192 of 2013, I do not find any reason to interfere in order dated 28.11.2014 passed by learned District Judge, Palghar in Misc. Civil Appeal No. 31 of 2013.

5 Hence, following order is passed:

a) Writ Petition stands rejected.

b) Considering the facts of the present case, hearing of Regular Civil Suit No. 192 of 2013, is expedited.

(K.K.TATED, J.)