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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION NO. 10997 OF 2015

Mrs. Prabhavati Vasantrao Naikwade & Ors. ... Petitioners.

V/s.

Mr. Bhagwan Bayaji Waghmode & Anr. ... Respondents.

Mr. Avinash Patil i/b. Nitin Dalvi for the Petitioners.
None for the Respondents.

CORAM : N.M. Jamdar, J.

31 August, 2016.

Oral Order :-

By this Petition the Petitioners challenge the order passed by the learned Civil Judge, Junior Division dated 30 June 2009 and the order passed by the learned District Judge dated 18 June 2012, Solapur wherein application and appeal for temporary injunction filed by the Petitioners, have been rejected.

2. The Suit is filed by the Respondents seeking permanent injunction. The Suit was instituted in the year 2004. By order dated 30 June 2006, the Petitioners were restrained from

causing obstruction to the possession of the Respondent – Plaintiff. The Appeal filed by the Petitioners was dismissed on 18 June 2012 and the learned District Judge has directed that the Suit be disposed of at an early date.

3. The Suit is instituted for permanent injunction. The order in favour of the Respondents of temporary injunction is operating for last 10 years. Both the Courts have considered the prima-facie case and have protected the Respondents by interim orders. It is not possible to interfere with the impugned orders and vacate the temporary injunction operating in favour of the Respondents for last 10 years, which will make the Suit infructuous. The Suit has already been expedited. Keeping all contentions of the parties open, the Writ Petition is disposed of.

(N.M. Jamdar, J.)