

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

WRIT PETITION NO.173/2014

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. P. R. Kadam for the petitioner

Mr. P. G. Kathane for the respondent Nos.1 to 7.

CORAM : K. K. TATED, J.

DATE : JULY 12, 2016

P.C.:

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioner defendant challenges the order dated 28.03.2013 passed by the Civil Judge, Junior Division, Devrukh below Exhibit- 43 in Regular Civil Suit No.49/2011 rejecting the defendant's application for framing preliminary issue of jurisdiction of the civil court to decide the suit as it is filed by the respondent plaintiff.

2. In the present proceedings, the respondent plaintiff filed Regular Civil Suit No.49/2011 for an order of injunction restraining the defendant from interfering with their rights of worship in the temple known as Adhisti Devi Mandir,

Kanganewadi, Wadewadi and from using the utensils kept in the public hall (sabhagrah).

3. As the suit is for injunction and it is pending for last more than 6 years, without going into merits of the matter, following order is passed:

a. Civil Judge, Junior Division, Devrukh is directed to decide the Regular Civil Suit No.49/2011 on its own merits by giving opportunity to both the parties in any case on or before 31.03.2017.

b. All issues of both the parties are kept open.

c. Writ Petition stands disposed of accordingly.

JUDGE