

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

WRIT PETITION NO.8685/2013

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. Sandeep S. Salunkhe for the petitioner

CORAM : K. K. TATED, J.
DATE : AUGUST 1, 2016

P.C.:

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioners defendants challenge the order dated 16.03.2013 passed by the District Judge 1 Islampur in Misc. Civil Appeal No.23/2012 restraining the petitioner defendant No.1 from interfering with possession of the plaintiff over the suit property except Gut No.730 in which he has 8 pai share in the Well, till hearing and final disposal of the suit.

2. In the present proceedings, defendant No.1 purchased undivided share of property from defendant Nos.2 to 4. The plaintiff filed Regular Civil Suit No. 470/2011 for an order of injunction restraining the defendants from disturbing his possession over the suit property. The plaintiff

made an application Exhibit 6 for injunction which was rejected by the Trial Court. In appeal, same was partly allowed by the appellate court in Misc. Civil Appeal No.23/2012.

3. Considering the fact that the injunction order is running against defendant No.1 since March 2013 and the Regular Civil Suit No. 470/2011 is pending for final hearing, in the interest of justice, I feel that the suit shall be decided within stipulated time.

4. Hence, following order is passed:

a. Civil Judge, Senior Division Islampur is directed to decide Regular Civil Suit No. 470/2011 within four months from the date of receipt of copy of this order.

b. At the time of deciding Regular Civil Suit No. 470/2011, the Trial Court should not get influenced by the observations made by the appellate court in the impugned order dated 16.03.2013 in Misc. Civil Appeal No.23/2012.

c. With these observations, Writ Petition stands disposed off.

JUDGE