

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.5927 OF 2014

(Chandan Dilip Bhovmik ..vs.. Girish s/o Shriram Bapat and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 08-01-2016

Shri S.M. Puranik, learned Advocate for the petitioner has filed pursis dated 08-01-2016 stating that the petitioner is not giving instructions and the notice sent by Registered Post with the acknowledgment due is received back.

2. Heard Shri R.M. Pande, learned Advocate for the respondent No.1 and Shri B.M. Kharkate, learned Advocate for the respondent No.2.

3. The petitioner has challenged the order passed by the subordinate Courts concurrently upholding the claim of the respondent No.1 for grant of temporary injunction and restraining the petitioner from undertaking construction on the suit property till the disposal of civil suit. The learned trial Judge and the learned District Judge have properly appreciated the evidence on the record and the orders passed by the subordinate Courts are in consonance with the legal position. I find no infirmity in the impugned orders which necessitates

interference by this Court in the extra ordinary writ jurisdiction. The temporary injunction is operating since April 2014. According to the learned Advocates, there was no interim order either during the pendency of the appeal before the District Court nor there is interim order in this petition, in favour of the petitioner.

4. The writ petition is dismissed. In the circumstances, the parties to bear their own costs. As the civil suit is of 2013, the trial Court is requested to dispose the civil suit within one year.

JUDGE

pma