

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

WRIT PETITION NO.520 OF 2015

M/s Rana Plots and Constructions Company Thr. Managing Partner Ashok Laxman
Gulhane

-vs-

Sanjay Dulichand Rathod

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. V. Bhide, Advocate for petitioner.
Shri A. R. Chouhan, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.

DATE : AUGUST 09, 2016

In view of notice for final disposal, the learned counsel for the parties have been heard at length.

The petitioner who is the original plaintiff in Spl. C. S. No.52/2011 is aggrieved by the order passed by the trial Court refusing to grant temporary injunction so as to restrain the respondent from disturbing his peaceful possession. This order passed by the trial Court has been maintained by the Appellate Court which dismissed the Miscellaneous Appeal on 10/09/2014.

After hearing the respective counsel for the parties, it can be seen that the suit was filed in the year 2011 seeking damages for an amount of Rs.6,50,000/- along with a prayer for permanent injunction. The trial Court on 13/12/2012 rejected the application for temporary injunction. This order was upheld by the Appellate Court on 10/09/2014.

Considering the fact that the suit is now fixed for recording evidence of parties, in the present facts I do not find

it necessary to re-examine the entire matter so as to record any finding that could come in the way of either of the parties when the suit is finally decided. This Court while issuing notice to the respondent had on 31/03/2015 directed the parties to maintain status-quo. This order is in force for more than a year. In the aforesaid facts, the interests of justice would be met if the proceedings in Spl. C. S. No.52/2011 are expedited. Hence the following order is passed :

(i) By keeping the respective contentions of the parties open, the proceedings in Spl. C. S. No.52/2011 are expedited. The trial Court shall decide the suit by the end of December 2016.

(ii) The order of status-quo which has passed by this Court shall continue to operate during pendency of the suit without prejudice to the rights of the parties.

(iii) It is made clear that the observations made by the trial Court as well as the Appellate Court while deciding the application for temporary injunction shall not come in the way of either of the parties when the suit is finally decided.

Rule is disposed of in aforesaid terms with no order as to costs.

JUDGE

-: C E R T I F I C A T E :-

“ I certify that this Judgment/order uploaded is a true and correct copy of the original signed Judgment/order.”

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