

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

97 WRIT PETITION NO. 8585 OF 2013

SHIVRAJ PANDITRAO PATIL AND OTHERS
VERSUS
SANJAY MADHAVRAO PATIL AND OTHERS

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CORAM : S.V. GANGAPURWALA, J.
DATE : 29.08.2017

P.C. :

1. The present respondent had filed the suit along with an application for temporary injunction. The application for temporary injunction is rejected, aggrieved thereby the plaintiff filed an appeal. The District Court Allowed the Miscellaneous Appeal. The defendant has assailed the said order. Since 2013 the injunction order is in force. Though, the writ petition is filed in the year 2013 the same is not taken up, no interim orders are also passed in favour of the petitioner. The suit must either have been decided or must be ready for hearing and decision.

2. Considering the aforesaid facts, I am not inclined to consider the merits of the matter.

3. Even otherwise the observations made at the time of determination of an application for temporary injunction are only *prima facie* in nature and the Court would be required to decide the suit on the basis of evidence adduced before it.

4. In light of the above, the writ petition is dismissed. No costs.

(S.V. GANGAPURWALA)
JUDGE

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