

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9547 OF 2016

Shri Bhimrao Hanmant Jadhav

..Petitioner.

Vs

Shri Ambadas Ramchandra
Pawar

.. Respondent

Mr. Surel S.Shah , Advocate for Petitioner.

**CORAM : R.G.KETKAR,J.
DATE : 23/02/2017**

PC:

1. Heard Mr.Surel Shah, learned counsel for the petitioner at length.
2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the Judgment and order dated 3.12.2014 passed by the learned Addl. District Judge, Malshiras in Civil Misc. Appeal No. 40 of 2012. By that order, the learned District Judge allowed the appeal and quashed and set aside the Judgment and order dated 18.10.2012 (Page 39) passed by the learned Civil Judge, Jr. Dn., Malshiras below temporary injunction application at Exhibit-5 in Regular Civil Suit No.113 of 2012. The learned District Judge allowed the application Exh.5 and issued injunction restraining the petitioner/defendant from obstructing the plaintiff's possession over the suit property till final disposal of the suit.
3. Petition is instituted on 11.3.2015 and till date there is no

interim order. As injunction order is operating since 3.12.2014, I do not deem it appropriate to interfere with the impugned order because of passage of time. In view thereof, Petition fails and the same is dismissed. The learned trial Judge will decide the suit on the basis of evidence on record and on its own merits uninfluenced by the observations made in the impugned order. Order accordingly.

(R.G.KETKAR, J.)