

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1565 OF 2017

SUBHASH RAMBHAU VEER AND OTHERS
VERSUS
MOHD. BADRODDIN MOHD. TAMIJUDDIN AND OTHERS

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Advocate for the Petitioner : Mr. R.V. Gore
Advocate for respondent No.1 : Mr. S.T. Tambe
Advocate for respondent No.2 to 6 : Mr. D.K. Kulkarni

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CORAM : S.V.GANGAPURWALA, J.

DATE : AUGUST 14, 2018

O R D E R :

The petitioners are the original plaintiffs who have filed suit for injunction. Application for temporary injunction is allowed by the trial court. The defendants have filed appeal in the District Court and the District Court has allowed same. Aggrieved thereby, the plaintiffs filed the present Writ Petition.

2. The appeal filed by the defendants has been allowed on 17.12.2016 and since then no prohibitory orders are in force.

3. It is submitted by the learned counsel that parties have already led their evidence and now the matter is fixed for final arguments on 28.8.2018.

4. It is trite that, at the time of deciding temporary injunction application and the appeal involving orders passed in temporary injunction application, the court has to be prima-facie satisfied. Naturally the court has to decide suit finally on the basis of evidence adduced by the parties before it and the documents produced and normally it does not act upon the observations made at the time of deciding the application for temporary injunction.

5. As the matter now is fixed for final hearing on 28.8.2018 and that there is no prohibitory orders since December, 2016, I refrain from dilating on the merits of matter.

6. The writ petition is disposed of. No costs.

[S.V.GANGAPURWALA, J.]

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