

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10696 OF 2017

NIVRUTTI NAMDEO HAGRE (MALI) AND OTHERS
VERSUS
BHAGWAT BABU HAGRE AND ANOTHER

Advocate for Petitioner : Mr. A.S. Patil
h/f. Mr. S.S. Chapalgaonkar.
Advocate for Respondent No. 1 : Mr. S.N. Patne

CORAM : RAVINDRA V. GHUGE, J.

Dated : 19th June, 2018

Per Court :

1. The petitioner/original defendants are aggrieved by the order of the Trial court dated 03/05/2016, clamping injunction against the defendants in R.C.S. No. 328/2015, and the order dated 14/12/2016, by which, the District Judge has dismissed Miscellaneous Civil Appeal No. 41/2016.

2. I have heard the learned advocates for the respective sides for quite some time and have perused the impugned order and the judgment. I find that both the Courts below have taken a plausible view on the basis of the material on record, at an interlocutory stage.

3. The Trial Court as well as the Appellate Court have delivered well reasoned orders after analyzing the material before it. *Prima facie*, as both the Courts came to a conclusion that the plaintiff is in possession, the defendants were directed not to obstruct the peaceful possession of the plaintiff until the decision in the suit.

4. Learned counsel for the plaintiff submits that, for the present, he is not creating third party interest in the suit property and in the event he is so desirous of, he would approach the Trial Court and seek leave to do so.

5. Considering the above and since the suit is pending final adjudication, this petition is disposed of. The Trial Court shall endeavor to decide R.C.S. No. 328/2015 as expeditiously as possible and on/or before the 31st day of July, 2019.

(RAVINDRA V. GHUGE, J.)

S.P.C.