

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8634 OF 2017
WITH
WRIT PETITION NO. 8636 OF 2017

BABURAO DAMU LAMKHODE
VERSUS
MINAXI SURESH SURYAWANSHI AND ANOTHER

Advocate for Petitioner : Mr. G.V. Wani.
Advocate for Respondent Nos. 1 & 2 : Mr. A.D. Pawar.

CORAM : RAVINDRA V.GHUGE, J.
DATED : 09th August, 2018.

PER COURT :

1. In both these petitions, the petitioner is the original plaintiff who is aggrieved by the interlocutory order dated 02/05/2015, delivered by the Trial Court in R.C.S. No. 7/2014 and by the judgment of the Appellate Court dated 17/04/2014, by which, the Miscellaneous Civil Appeal No. 33/2015 filed by the original plaintiff has been rejected.
2. I have considered the submissions of the learned advocates and have gone through the petition paper book with their assistance.
3. The petitioner plaintiff is before the Trial Court praying for injunction against the defendants with reference to the suit lands. Grievance is that the defendants are interfering with the peaceful possession and enjoyment of the plaintiff. By the interlocutory order dated 02/05/2015, the application filed by the plaintiff seeking injunction has been rejected and the application filed by the

defendants along with their counter claim has been allowed. Injunction has therefore, been clamped upon the plaintiff, his agent/servant and are temporarily restrained from causing obstruction in the peaceful possession of the defendants over the suit lands. The appellate Court has dealt with the appeal *in extenso* and has concluded that the plaintiff has not made out a *prima facie* case for grant of injunction.

4. Considering the submissions of the learned advocates for the respective sides and keeping in view that the issue of injunction alone is the subject matter of the suit, this Court would have to appreciate the contentions of the litigating sides which would almost amount to hearing the appeal to the extent of their submissions. Instead, ends of justice could be met by expediting the suit considering a short issue involved in the said proceedings.

5. Learned advocate for the respective sides submits that the trial Court could conclude the said suit expeditiously within nine months. As such, both these petitions are disposed of. The Trial Court shall endeavor to decide RCS No. 07/2014, as expeditiously as possible and in any case on/or before 30/04/2019. All contentions of the litigating sides are kept open.

(RAVINDRA V.GHUGE, J.)