

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

WRIT PETITION NO. 8370 OF 2017

MALU MALHARI BORUDE
VERSUS
SHIVNATH RAGHUNATH AVHAD AND ANOTHER

...

Advocate for the Petitioner : Shri Garud N.C..
Advocate for the Respondent : Shri Mundhe Sanjay V.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 02nd July, 2018

Per Court:

1 The Petitioner/ original Defendant No.1 is aggrieved by the judgment dated 16.09.2016 delivered by the learned District Judge-2, Ahmednagar by which, Miscellaneous Civil Appeal No.91/2015 has been allowed and the application Exhibit-5 in Regular Civil Suit No.71/2015 has been granted by injuncting the Defendants, their agents/ servants/ any other persons claiming through them, from obstructing the Plaintiff in relation to the possession and enjoyment of the suit land.

2 Though Shri Garud, learned Advocate for the Petitioner, has strenuously criticized the impugned order and has virtually invited the Court's attention to decide every aspect of the matter, I do not find that at this stage, this Court should entertain all submissions of the learned

Advocate, which would practically amount to dealing with the pending suit.

3 The pending suit is purely for seeking an injunction against the Defendants. Temporary injunction has been clamped on 16.09.2016. Practically for about 22 months, the said injunction is operating. While going through the aspect as to whether, the injunction has been rightly granted or not, this Court will have to deal with all the contentions of the litigating sides, which are available to them at the final hearing of the suit.

4 Considering the above, this Writ Petition is disposed of without causing an interference in the impugned judgment. However, the Trial Court is directed to decide RCS No.71/2015 as expeditiously as possible and preferably on or before 30.06.2019.

kps

(RAVINDRA V. GHUGE, J.)