

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4767 OF 2018
(Govind s/o Gangaptrao Ganapure and another Vs.Ganpat
Pandurangrao Ganapure and another)

Mr.S.G.Chapalgaonkar, Advocate for the petitioners.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 30/10/2018

PER COURT :

1. The petitioners/original plaintiffs are aggrieved by the order dated 05/08/2011 passed by the Trial Court clamping injunction against the plaintiffs in RCS No.108/2011 thereby protecting the possession of defendant No.2 in the suit property. The petitioners are also aggrieved by the judgment of the Appellate Court dated 31/07/2017 by which MCA No.21/2011 was dismissed and the suit was expedited.

2. Though Mr.Chapalgaonkar, learned Advocate has strenuously tried to canvass that the merits of the matter need to be considered so as to assess as to whether the temporary injunction deserves to be continued or not, I am not inclined to go into the said contentions for the reason that the recording of oral evidence has already commenced in the suit and two witnesses have already been

examined. If specific directions are issued to the Trial Court to refuse unnecessary adjournments to the litigating sides and decide the suit by the end of March 2019, I find that the ends of justice would be met.

3. Considering the above, this petition is disposed of by directing the Trial Court to decide RCS No.108/2011 on or before 31/03/2019. The Trial Court would refuse adjournments to the litigating sides if they are based on unreasonable and trivial grounds. The litigating sides would co-operate for the expeditious disposal of the suit. Needless to state, the interlocutory order dated 05/08/2011 and the judgment of the Appellate Court dated 31/07/2017 are restricted to the extent of the grant of temporary injunction and these orders shall not influence the Trial Court while deciding the suit on its own merits.

(Ravindra V.Ghuge, J.)