

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

WRIT PETITION NO. 12394 OF 2016

Yuvraj s/o kashinath Kadam ... Petitioner

Versus

Kashinath s/o Savleram Kadam
and others ... Respondents

Mr. G.K. (Naik) Thigale, Advocate for the Petitioner.
Mr. Abhijit Chaudhari, Advocate for Respondent no. 6.

Coram : N.M. Jamdar, J.

Date : 21 November 2018.

Per Court :

Heard learned counsel for the parties.

2. Petitioner has challenged the order passed by the learned Civil Judge, Junior Division, Patoda and the learned District Judge, Beed, rejecting the application for temporary injunction.

3. The suit was instituted in the year 2012. The learned Civil Judge rejected the application on 3 February 2016 and, the

appeal was dismissed by the District Court thereafter on 1 December 2016. Therefore, from the date of institution of the suit in the year 2012 till date, there is no temporary injunction in favour of the petitioner. Learned counsel for petitioner points out that at the time of issuance of notice in this petition on 22 December 2016, this Court had directed the parties not to alienate the suit property or create charge of any kind in favour of third party. This order passed on 22 December 2016 is operating till date.

4. Considering the facts and circumstances of the case and that temporary injunction is not in operation since 2012 and the suit is ready for hearing, interest of justice will be met if the order dated 22 December 2016 in respect of not to create third party right is continued till disposal of the suit. No other relief.

5. Accordingly, writ petition is disposed of. Order dated 22 December 2016 passed in this petition to continue till disposal of the suit.

N.M. Jamdar, J.