

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 747 OF 2017

Shakuntala Nanasaheb Salawe	.. <u>Petitioner</u>
Versus	
Anubai Rambhau Thombare	.. <u>Respondent</u>

Mr. Satish A. Gaikwad, Advocate for the
Petitioner. **(Absent)**
Mr. Zafar M. Pathan, Advocate for Respondent.

CORAM: S. V. GANGAPURWALA, J.

DATE: 16th August, 2018

PER COURT :

1. None for the petitioner. Mr. Pathan, the learned counsel for the respondent is present.
2. Petitioner is the original plaintiff who has filed suit for partition and declaration. The petitioner filed an application for temporary injunction. The application for temporary injunction is rejected. The petitioner – original plaintiff filed Miscellaneous Civil Appeal. The appeal is dismissed. Aggrieved thereby the present petition.
3. It needs to be considered that since the year - 2015 there are no prohibitory orders in favour of the petitioner.

4. The learned counsel for the respondent submits that the evidence has commenced in the suit. Even otherwise, the observations at the time of deciding the temporary injunction application are *prima facie* in nature. The Court has to decide the suit on the basis of evidence adduced by the parties and the documents.

5. Considering the fact that the Trial Court and the Appellate Court have not granted any relief to the petitioner nor there is any order passed in the present writ petition since the date of issuance of notice and that the suit is now ripe for evidence and the evidence is in progress it would not be appropriate now to make observations on the merits of the matter.

6. The Trial Court shall endeavour to decide the suit expeditiously and preferably within nine (9) months from today.

7. Writ Petition is disposed of. No costs.

[S. V. GANGAPURWALA, J.]

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