

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION No.25 OF 2018

Balu Kondiba Mohite & anr. ... Petitioners

Vs.

Bhanudas Rama Mohite & Ors. ... Respondents

Mr.V.V. Salunke for the Petitioners

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 9, 2018**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This petition is directed against the order dated 18.7.2017 passed by the learned Adhoc District Judge 3, Baramati, thereby dismissing the Miscellaneous Appeal No.55 of 2017. The petitioner, who is the plaintiff, who has filed R.C.S. No.98 of 2014 for declaration and perpetual injunction in respect of the suit property, which is an open land.
3. The learned Counsel for the petitioner has submitted that the order passed by the learned trial Judge and also the appellate Court are illegal and they are to be set aside. The plaintiff has also

prayed for right of preemption in respect of the land which was purchased by defendant No.6 from defendant No.1 to the extent of 20 ares.

4. Considered the submissions of the learned Counsel for the petitioner. However, it appears that in Suit No.98 of 2014, no interim injunction was granted and the exhibit 5 application was rejected on 28.4.2017. There is a concurrent finding of fact of the trial Court and the first appellate Court rejecting the interim relief to the plaintiff.

5. In view of this, no interference is called for with the impugned orders. Hence, the petition is dismissed. However, the suit is pending since 2014 and hence, the trial Court to expedite the suit and it is to be concluded on or before 30th April, 2019. Parties to cooperate.

(MRIDULA BHATKAR, J.)