

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1149 OF 2017

Shri Namdeo Sitaram Daki and ors.	... Petitioners
v/s	
Shri Anant Pundalik Daki and ors.	... Respondents

Mr Dilip Bodke for Petitioners.
Mr P.K. Dhakephalkar, Sr. Counsel i/b Mr D.S. Pagare for Respondents.

CORAM : B.P. COLABAWALLA J.

DATE : 27TH NOVEMBER, 2018.

P.C. :-

1. By this Writ Petition, the Petitioner challenges the order dated 21st July 2016 passed by the Principal District Judge, Raigad, Alibag in Civil Miscellaneous Appeal No.94 of 2013. By the impugned order, the Appellate Court confirmed the order (below Exh.5 in RCS No.251 of 2012) passed by the Trial Court. The injunction was originally granted by this Court vide its order dated 7th October 2013. This, as mentioned earlier, was confirmed by the Appellate Court vide its order dated 21st July 2016. I have gone through the order impugned in this Writ Petition. It is a detailed order and after considering several documents, the appellate Court has come to the prima facie conclusion that the Plaintiff has made

out a prima facie case for the grant of temporary injunction. The learned counsel appearing on behalf of the Petitioner was not able to point out anything from the record that would even remotely suggest that the findings given by the Appellate Court suffer from any perversity and/or are vitiated by any error apparent on the face of the record. This being the case, I do not think any interference is called for in the impugned order. Writ Petition is therefore accordingly dismissed. However, there shall no order as to costs.

2. Considering that the Suit has been filed in the year 2012 and this injunction is running against Defendant No.1 since 2013, the Trial Court is requested to hear the present suit as expeditiously as possible and preferably within a period of one year from today. Needless to clarify that any observations made herein are only prima facie and will not bind the Trial Court while hearing the Suit finally.

(B.P. COLABAWALLA J.)