

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13789 OF 2018

DADA GANGADHAR KOKANE AND OTHERS
VERSUS
ARJUN SITARAM THOMBARE AND ANOTHER

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Advocate for Petitioners : Shri Dhage Babasaheb V.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 29, 2019

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PER COURT :-

1. The petitioners / original defendants are aggrieved by the judgment and order dated 13.12.2017, delivered by the appellate Court in MCA Nos.56 and 57 of 2015.

2. Learned Advocate for the petitioners strenuously submits that the application seeking temporary injunction filed by the original plaintiff has been allowed and the application Exhibit 17, filed by these defendants, seeking injunction, in their counter claims, has been rejected.

3. Learned Advocate for the petitioners has strenuously criticized the impugned order and submits that the same is unsustainable in law and deserves to be quashed and set aside. He has drawn my attention to the twenty grounds formulated in the memo of the petition.

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4. I find from the observations of the concurrent orders that 7/12 extracts were in the name of the plaintiff, who is shown as the owner and the possessor of the suit property. His name was entered in the 7/12 extract in view of the registered sale deed. The Regular Civil Suit No. 1056 of 2015 is pending adjudication. The plaintiff claims to have purchased the suit property from defendant No.1 on 16.12.1999,

5. Considering the above, I do not find it appropriate to entertain this petition. Ends of justice would be met if the pending suit is decided on its own merits.

6. As such, this petition is disposed off and the trial Court is directed to decide RCS No. 1056 of 2015 expeditiously and preferably on/or before 31.12.2020.

7. Needless to state, the trial Court would not be influenced by its observations or by the observations of the appellate Court appearing in the impugned order.

(RAVINDRA V. GHUGE, J.)

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