

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1067 OF 2019

SHAHURAO FAKIRA GAWARE AND OTHERS
VERSUS
DINKAR SHANKAR GAWARE AND OTHERS

...
Mr. P.R. Katneshwarkar, Advocate h/f. Mr. A.G. Ambetkar, Advocate
for petitioners

Mr. U.U. Wagh, Advocate for respondents no.1, 2 and 3

...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 23-01-2019

ORDER :

1. Heard learned counsel for appearing parties at quite some length.

2. Learned counsel for petitioners makes various submissions and states that circumstances would warrant consideration of application Exhibit-39, however, the same could not be decided by trial court having regard to order dated 18-12-2018 in writ petition no. 13997 of 2018. He, therefore, urges to set aside the order and to direct trial court to allow said application.

3. Learned counsel for respondents Mr. Wagh vehemently submits that interim injunction has been operating against present respondents from a long time and on one pretext or the other, matter is getting prolonged. Application Exhibit - 39, is premature, as would be discernible from prevailing position since parties have not adduced any evidence. He purports to rely on judgment of this court dated 17-01-2014 in writ petition no. 8887 of 2013. Learned counsel for petitioners submits that said view is being differed and is distinguishable.

4. Perusal of the order depicts that trial court had found it difficult to decide application Exhibit - 39 on merits due to time constraint. In the circumstances, it would be expedient that the time limit pursuant to order dated 18-12-2018 in writ petition no. 13997 of 2018 will have been suitably extended which would accommodate decision on application Exhibit - 39.

5. As such, the period referred to under order dated 18-12-2018 stands extended upto 15-03-2019. Impugned order is set aside. Exhibit - 39 be decided by giving proper opportunity to the parties concerned within a period of fortnight from the date of receipt of writ of this order. All the points are kept open for parties.

6. Writ petition is disposed of.

[SUNIL P. DESHMUKH]
JUDGE

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