

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

920 WRIT PETITION NO.6430 OF 2018

ANANT SHESHRAO MORE AND OTHERS

.. Petitioners

VERSUS

RAJENDRA BHIMRAO MORE AND ANOTHER

.. Respondents

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Advocate for Petitioners : Shri Amit A Yadkikar

Advocate for Respondents No.1 & 2 : Shri M.S. Shaikh h/f.

Shri S.S. Deshmukh

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CORAM : P.R. BORA, J.

Dated: June 25, 2019

PER COURT :-

1. Heard the learned Counsel appearing for the respective parties.

2. Order passed below an application at Exh.5 seeking interim injunction in Regular Civil Suit No.218 of 2015, which has also been confirmed by First Appellate Court in the Misc. Civil Appeal, is challenged in the present Writ Petition. The petitioners are the defendants in the said civil suit. When the petition is taken up for hearing, on a query made by the Court, the learned counsel for the petitioners informed that, in Regular Civil Suit No.218 of 2015, the pleadings of the parties are completed, the issues are framed and the matter is fixed for hearing. The learned counsel further submitted that, since the interim injunction is in favour of the respondents – plaintiffs, they do not seem to be interested in proceeding with the

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civil suit. The learned counsel submitted that, the petitioners - defendants are ready to go ahead with the suit and get decided the issues finally.

3. Shri M.S. Shaikh the learned counsel appearing for the respondents – plaintiffs though disputed the contention of learned counsel Shri Yadkikar that the hearing of the suit before the Trial Court is being protracted at the instance of the respondents – plaintiffs, did not make any positive statement that, the respondents – plaintiffs are also ready to proceed with the matter before the Trial Court.

4. After having considered the submissions made by the learned Counsel appearing for the respective parties and on perusal of the impugned orders and the other material placed on record, it appears to me that, the present Writ Petition can be disposed of with the following order, which would be in the interest of both the parties. Hence, the following order.

ORDER

(i) The learned 3rd Jt. Civil Judge, Jr. Division, Ambajogai shall hear and decide Regular Civil Suit No.218 of 2015, as expeditiously as possible and preferably within the period of 9 months from the

date of receipt of the writ from this Court, by giving due opportunity to the parties to the *lis* to adduce necessary evidence in respect of their respective contentions.

(ii) The parties to co-operate the Trial Court to dispose of the aforesaid civil suit within the stipulated period.

(iii) Writ Petition stands disposed of in the aforesaid terms.

(**PR. BORA, J.**)

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