

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

WRIT PETITION NO.7304 OF 2019

SHRIKANT SHIVAJIRAO JADHAV AND ANOTHER
VERSUS
SANTOSH VIDYARAM AGRWAL

...

Advocate for the Petitioners : Shri Khandare N.B.
Advocate for the Respondent : Shri Sonwane Mahesh R.

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CORAM: RAVINDRA V. GHUGE, J.
DATE :- 18th June, 2019

Per Court:

1 The petitioners, who are the original defendants, are aggrieved by the judgment and order dated 26.04.2019 delivered by the Appellate Court by which, Miscellaneous Civil Appeal No.19/2014 filed by the plaintiff is allowed and the injunction has been clamped upon the petitioners. The order of the Trial Court dated 21.01.2014 rejecting the application exhibit 5 in RCS No.97/2013 has been quashed and set aside.

2 After hearing this matter for a considerable time and upon taking into account the disputed issues raised by the parties, I was inclined to admit this petition and consider the controversy by calling for the record and proceedings from the Trial Court. At the same time, I was inclined to pass certain orders with regard to the suit land at issue.

3 However, the learned advocate for the petitioners submits that the respondent/ plaintiff is creating third party interest by

introducing one Ashok Madhukar Salve in the suit property so as to further complicate the issue. He submits that the Trial Court can be directed to decide the suit within a particular time frame keeping in view that the suit is six years old.

4 The learned advocate for the respondent/ plaintiff submits that the plaintiff does not desire to create complications in the matter. The apprehension expressed by the petitioners as regards the introduction of Ashok Madhukar Salve is misplaced and the plaintiff would ensure that Ashok Madhukar Salve would not claim any right in the suit property as on date and till the decision in the suit. He submits that he would have no objection if the suit is decided within a time frame as he has already tendered the affidavit in lieu of examination in chief.

5 In the light of the above and without interfering with the impugned judgment of the Appellate Court, this Writ Petition is disposed off with a direction to the Trial Court to decide RCS No.97/2013 as expeditiously as possible and in any case, on or before 29.02.2020. Until then, neither of the litigating sides would create third party interest or encumbrances on the suit property in any capacity. So also, Mr.Ashok Madhukar Salve would remain away from the suit property till the decision of the suit.