

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

23 WRIT PETITION NO.9094 OF 2018

MAHEBOOBKHA CHANDKHA PATHAN
VERSUS
TUKARAM DEVJI PAWAR AND OTHERS

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Advocate for Petitioners : Mr. Jaware Vishnu M.
AGP for Respondents/State : Mr. S.K. Tambe
Advocate for Respondent No.1 : Mr. S.R. Choukidar
Advocate for Respondent No.3 : Mr. R.R. Chandak

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CORAM : P.R. BORA, J.
DATED : 08th JULY, 2019.

PER COURT:-

. In the present petition, the petitioner has challenged the order dated 21.02.2017 passed by the learned Joint Civil Judge, Senior Division, Jalna in R.C.S No.468 of 2015 whereby, the temporary injunction application filed by present respondent no.1 was allowed and the present petitioner is restrained from starting a floor mill in the suit premises. The restraintment orders are also issued to M.S.E.D.C.L. for not giving any electricity supply to the said floor mill. The petitioner though challenged the said order by filing M.C.A. No.21 of 2017, the learned District Judge-2, Jalna has rejected the said appeal vide order passed on 04.04.2018. Aggrieved by both the aforesaid orders, the petitioner has preferred the present

writ petition.

2. After having heard the learned counsel appearing for the parties for sometime, it is revealed that it would be in the interest of both the parties that they proceed with the suit which is pending in the Court of Civil Judge, Senior Division. Even otherwise, the period of four years has lapsed and in the circumstances, it would be only the wise course to proceed with the civil suit, where both the parties can adduce substantive evidence from their respective sides. In the circumstances, the following order is passed:

ORDER

- i) The learned Civil Judge, Senior Division, Jalna is directed to hear and decide R.C.S. No.468 of 2015, as expeditiously as possible by giving due opportunity to the parties to the lis, preferably within the period of 9 months from the date of receipt of the writ from this Court.
- ii) The writ petition stands disposed of.
- iii) It is clarified that this Court has not expressed any opinion on merit of the contentions raised by the parties in the present petition.

(P.R. BORA, J.)