IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7731 OF 2019

SURYAPRAKASH VISHNUDATTA VYAS AND OTHERS
VERSUS
PURUSHOTTAL ALIAS MOHANLAL VYAS AND OTHERS
...
Advocate for the Petitioners : Shri G. L. Deshpande
...
CORAM : RAVINDRA V. GHUGE, J.
DATED : 25th JUNE, 2019.
...

PER COURT :

1. This matter was not on board. A motion was moved expressing urgency. Hence taken on the production board.

2. I have heard the learned Advocate for the petitioners, who are original plaintiffs in RCS No.111/2019.

3. Grievance is that the Trial Court had granted exparte ad-interim temporary injunction while issuing notice in the suit on 05/03/2019. On 16/03/2019, application Exhibit 12 was filed by the plaintiffs seeking continuation of the ad-interim order. The Trial Court had passed an order which is not legible. On 20/03/2019, Exhibit 13 was filed seeking continuation of the ad interim exparte order. The defendants submitted the say on the same date indicating that the issue as regards mutation

entries is pending before the SDO and that matter would be decided by the SDO under the MLR Code. It is further stated that the plaintiffs have an efficacious remedy and no question of loss would arise to the plaintiffs. With this reply, the Trial Court has ordered that there is no fear at the hands of the defendants and no irreparable loss would be caused. Hence the application is rejected.

4. It is informed that the hearing on the temporary injunction application Exhibit 5 is posted on 04/07/2019 before the Trial Court.

5. Considering the above and the say of the defendants coupled with the order impugned, I deem it appropriate to observe that the petitioner plaintiffs would be at liberty to advance oral arguments on the temporary injunction application Exhibit 5 pending before the Trial Court and the Trial Court would proceed to decide the said application expeditiously, on or before 31/07/2019. This petition, is therefore, disposed off.

(RAVINDRA V. GHUGE, J.)

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