

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9017 OF 2019

Mahesh Vasantha Rao Gujrathi

...Petitioner

Versus

Rani Raghunath Pawar & Ors.

...Respondents

.....
Mr. A.S.Shelke, Advocate for the Petitioner.
.....

CORAM : RAVINDRA V. GHUGE, J.

DATE : 24-07-2019.

PER COURT :

01. The petitioner-original defendant No. 10 in R.C.S. No. 494/2015, is aggrieved by the Order dated 6.11.2015 passed by the Trial Court granting temporary injunction in favour of the plaintiff. The petitioner has directly approached this Court without preferring a miscellaneous civil appeal.

02. The impugned Order is dated 6.11.2015 and a statutory remedy has not been availed of. This Court has held in the matter of **Engineering Employees Union V/s DeviDayal Rolling & Refinery Pvt. Ltd.**, [1986 (52)FLR = 1986 Mh.L.J. 331] and **Clifford Rebello V/s Hotel Oberoi Towers**, [2001 III CLR 805] that unless a statutory

revisional remedy is exhausted, a writ petition should not be entertained directly.

03. In view of the above, this petition is disposed off by accepting the request of the petitioner that the suit may be decided within a time frame. The suit was filed on 15.6.2015. The Trial Court shall therefore decide the said suit as expeditiously as possible and preferably on or before 31.7.2020.

04. I must however express my displeasure to the cryptic Order dated 6.11.2015 passed by the Trial Court. An Order granting temporary injunction or interim relief can not be a cryptic Order. It must be a well reasoned Order since discretion has to be exercised judiciously and the Order must reflect application of mind and reasonableness while exercising the discretion.

05. The learned Registrar (Judicial) of this Court is requested to place a copy of this Order before the learned Judicial Officer Shri V.K.Jadhav (then Civil Judge, Junior Division, Ashti), who has passed the said Order.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-