

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

WRIT PETITION NO.11447 OF 2018

SWAPNIL BALAJI MOTARWAR AND OTHERS
VERSUS
SANTOSH ALIAS SANDESH PRATAPRAO KAMTE AND OTHERS

...
Advocate for the Petitioners : Shri P.V.Mandlik, Senior Advocate a/w Shri
Mandlik Pratap P..

...
CORAM: RAVINDRA V. GHUGE, J.
DATE :- 23rd January, 2019

Per Court:

1 The Petitioners are aggrieved by the order dated 03.05.2017 passed by the Trial Court in R.C.S. No.32/2009 (old No.551/2006) thereby, clamping an injunction against the Petitioners. The Petitioners are also aggrieved by the judgment dated 27.06.2018 delivered by the first Appellate Court by which, their Miscellaneous Civil Appeal No.54/2017 has been dismissed. These Petitioners are the original counter Defendant Nos.3 to 5.

2 Shri Mandlik, learned Senior Advocate appearing for the Petitioners, has strenuously criticized the impugned orders contending that the litigants, who have nothing to do with the property owned and possessed by these Petitioners, have succeeded in getting injunctory orders. It is further submitted that the property held by these Petitioners is being developed. Half of the property has been alienated in the form of

plots and on account of the impugned orders, the entire activity has been brought to a standstill. My attention is drawn to the various grounds formulated by the Petitioners in this writ petition.

3 I could have gone into the issues raised by the Petitioners, but for the fact that the suit was initially registered in the year 2006 and renumbered as RCS No.32/2009 on being transferred to Mudkhed, which is ready for an early hearing. Since the suit is almost 13 years old, I deem it appropriate to direct a time frame for deciding the said suit. The Appellate Court has directed the Trial Court to decide the said suit expeditiously, but had not directed a specific time frame. Since I am passing an innocuous order, I do not find it necessary to issue notice to the Respondents.

4 In view of the above, this Writ Petition is disposed of with a direction to the Trial Court to decide RCS No.32/2009 (old No.551/2006) expeditiously and in any case, on or before 15.06.2019. The Trial Court would be at liberty to refuse adjournments to the litigating sides if they are found to be based on unreasonable or trivial grounds.

5 Needless to state, the Trial Court shall decide the said suit and the counter claim on their own merits without being influenced by the interlocutory orders passed by it and by the appellate court.