

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

**WRIT PETITION NO.10955 OF 2019 WITH
WRIT PETITION NO. 10956 OF 2019**

LALITA MADANLAL JAISWAL AND OTHERS
VERSUS
RANJEETA UDAY JAISWAL

...

Advocate for the Petitioners : Shri S. V. Chandole h/f.
Shri B. M. Waghmare

Advocate for the Respondent : Shri S. G.
Chapalgaonkar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 19th NOVEMBER, 2019.

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PER COURT :

1. In both these petitions, the petitioner defendants are aggrieved by the common judgment and order dated 01/08/2018 delivered by the Appellate Court, by which, Miscellaneous Civil Appeal Nos. 44 and 29 of 2015 have been allowed and the defendants are directed not to obstruct the possession of the plaintiff till the final disposal of the suit and to refrain from alienating the suit property.

2. I have considered the strenuous submissions of the learned Advocates for the petitioners and the sole

respondent.

3. The litigating parties are common to both the appeals. The said two Misc. Appeals had arisen out of Regular Civil Suit No. 93/2014 in which the plaintiff has sought perpetual injunction against the defendants with regard to the suit land in Gat No. 53 admeasuring 01 H. and 62 R. at village mauje Tarangal, Taluka Purna, District Parbhani.

4. Notwithstanding the strenuous submissions of the parties, I find that the Appellate Court has *prima facie* appreciated the fact situation and has restrained the defendants from obstructing the possession of the plaintiff. It is further directed that the suit property would not be alienated. An equitable relief has been granted by the Appellate Court and I do not find that gross injustice can be said to have been caused to the petitioners.

5. The Honourable Apex Court has held in the matters of ***Syed Yakoob vs K.S. Radhakrishnan &***

Others, 1964 AIR 477 and Surya Dev Rai v. Ram Chander Rai 2003 6 SCC 675, that unless an order clearly appears to be perverse, erroneous and likely to cause gross injustice, the High Court should refrain from exercising its supervisory jurisdiction.

6. The pending suit is more than 5 years old. The learned Advocates for the respective sides submit that if the suit is expedited, the parties would get a final judgment from the Trial Court.

7. In view of the above, both these petitions are disposed off. The Trial Court is expected to decide RCS No. 93/2014 as expeditiously as possible and preferably on or before 30/09/2020. Needless to state, all the contentions and averments set out in the pleadings by the litigating sides would be considered on their own merit in view of the oral and documentary evidence, by the Trial Court while deciding the suit finally.

(RAVINDRA V. GHUGE, J.)

shp/-