

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1032 OF 2019

SYED FAROOK S/O SYED UMAR AND OTHERS
VERSUS
SHAHANAZ BEGM S/O SYED UMAR AND ANOTHER

...
Mr. Arvind Deshmukh, Advocate for petitioners
Mr. Milind M. Patil (Beekdar), Advocate for respondent no.1
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 23-01-2019

ORDER :

1. Heard learned counsel for appearing parties.
2. It appears that appellate court has taken stock of the situation and had been, in its discretion, pleased to allow the appeal, rejecting the application for injunction by present petitioner.
3. Appellate court has referred to that situation is governed by section 52 of the Transfer of Property Act. In the circumstances, it is not such a gross case wherein request made under writ petition would be required to be indulged into. The apprehension expressed about multiplicity of proceedings may be taken care of by observing that if any alienation, creation of

interest or transfer, if at all takes place of the suit property or portions thereof, then the vendees or alienees or transferees would not be able to claim equities and seller / vendor / alienor / transferor shall make them aware of the same.

4. In the circumstances, it would be pertinent that trial court proceeds with the suit itself, as early as possible and dispose of the same preferably within a period of nine (9) months from the date of receipt of writ of this order.

5. It is further made clear that observations made by courts in decisions on application for temporary injunction, in miscellaneous civil appeal as well as in this writ petition, have efficacy only to the extent of decision in temporary injunction application, miscellaneous civil appeal and writ petition and no further and same shall have no influential value. Trial court should decide the suit on its own merits.

6. Writ petition is disposed of.

[SUNIL P. DESHMUKH]
JUDGE

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