

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 443 OF 2016***

Shri. Mahavir Rajgonda Patil ... Petitioner

Vs

Sou. Vimal Babasaheb Patil ... Respondent

Mr. Vijay Killedar, Advocate for Petitioner.

Mr. Tejpal S. Ingale, Advocate for Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : June 21st, 2019

ORDER :

1. Heard learned counsel for the parties.
2. Aggrieved by the order dated 07.11.2015, the defendants in Regular Civil Suit No. 544 of 2012 have preferred this petition under Article 227 of Constitution of India.
3. Respondent instituted Regular Civil Suit No. 544 of 2012 seeking decree of perpetual injunction to restrain the defendants from interfering with his possession in the suit plot. Pending suit, plaintiff's application for temporary injunction was dismissed by the Learned Trial Judge on 27.09.2012. Aggrieved by the order, he

preferred Miscellaneous Civil Appeal No. 194 of 2012 before Learned District Judge, Sangli. Learned District Judge allowed the appeal and restrained the defendants from obstructing possession of plaintiff in suit property till disposal of the suit vide order dated 7th November, 2015.

4. Parties to the suit have led evidence and it is posted for arguments. In view of this fact, I am not inclined to interfere with the order, which is in force since 2015. Even otherwise, impugned order has been passed, upon consideration of material prima facie. As on today, parties to the suit have led evidence.

5. Thus, for the reasons stated above, petition is dismissed.

6. It is clarified that Learned Trial Judge shall decide the suit, without being influenced by the order passed in Miscellaneous Civil Appeal No. 194 of 2012 and order passed below Exhibit 5 in the said suit.

7. Petition is disposed of accordingly.

(SANDEEP K. SHINDE, J.)