

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3545 OF 2015

Vijaykumar Shankarrao Digge

.. Petitioner

V/s.

Rajlakshmi Sanganna Digge

.. Respondent

Mr.Shrishail Sakhare for the petitioner

Mr.Abhijeet Marathe for the respondent

**CORAM: K.K. TATED, J
DATED : JANUARY 25, 2019**

P.C. :

1 Heard.

2 By this petition under Article 227 of the Constitution of India, the Petitioner original defendant challenges the judgment and order dated 12.02.2015 passed by Adhoc District Judge - 2 Solapur in Misc.Civil Appeal No.59 of 2015 by which, Exhibit -5 filed by Respondent plaintiff in Suit No.175 of 2012 was allowed and defendant was restrained from obstructing the plaintiff's peaceful possession over land gat no.38/B/1/1 by himself or through his agent, servant etc. till the decision of the suit.

3 Both the counsel submit that in Regular Civil Suit No. 175 of 2012, plaintiff completed his evidence and now defendant is in

witness box. Considering the fact that trial has began, I am of the opinion that Regular Civil Suit No. 175 of 2012 be decided on its own merits without influencing the orders passed by court below. Hence, following order:

- a. Hearing of Regular Civil Suit No. 175 of 2012 pending before Civil Judge, Junior Division at Akkalkot is expedited.
- b. Trial Court to decide the said Suit as early as possible but in any case on or before 29.06.2019 on its own merits without influencing the order passed by this court.
- c. Writ Petition stands disposed of accordingly.
- d. No order as to costs.

(K.K. TATED, J.)