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

WRIT PETITION NO. 9861 OF 2016

Baliram Govind Patil (Jadhav) & anr. ..Petitioners

vs.

Maruti Babu Patil & ors. ..Respondents

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Shri Raju D. Suryawanshi for petitioners.

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CORAM : M.S.KARNIK, J.

DATE : 29th AUGUST, 2019

P.C. :

The petitioners by this Petition filed under Article 227 of the Constitution of India challenges the order dated 4/11/2015 passed by the Appellate Court. The petitioners are the original plaintiffs had filed the suit for partition and separate possession. The plaintiffs had filed an application Exhibit 5 before the trial Court for injunction on the ground that defendant Nos. 1 to 10 are intending to sell the suit property. The trial Court refused to grant injunction. The Appellate Court confirmed the order passed by the trial Court in the Miscellaneous Appeal No.110 of 2015 that was filed by the

petitioners. The Appellate Court was of the view that it is not shown that the discretion exercised by the trial Court has been exercised arbitrarily, capriciously or perversely and that the trial Court had ignored the settled principles of law regulating grant or refusal of interlocutory injunctions.

2. Heard learned counsel for the petitioners.

3. I have gone through the order passed by the Courts below. Considering the concurrent findings recorded, I do not find this is to be a fit case to interfere with the discretionary orders passed by the Courts below refusing injunction. The orders are well reasoned orders.

4. Considering that the suit is of the year 2013, the petitioners request that the trial Court expedites the hearing of the suit and decides the same preferably within a period of 2 years from today is reasonable and is accepted.

5. With these observations, the Petition is dismissed.

(M.S.KARNIK, J.)