

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1457 OF 2017

(SANJAY TRAMBAK BHENDKAR & OTH...VS.. TARASING NANDU JADHAV)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri J.B.Gandhi, Advocate for Petitioners.
Shri S.S.Sarda, Advocate for Respondent.

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 13, 2019.

Heard.

The original defendants have challenged the orders passed by the subordinate Courts concurrently upholding the claim of the plaintiff for temporary injunction, and restraining the defendants from interfering the possession of the plaintiff over the suit property till disposal of the civil suit. The learned trial Judge granted temporary injunction as sought by the plaintiff by order dated 6th December 2016. The learned advocate for the respondent/plaintiff has submitted that the order passed by the trial Court was not stayed by the District Court during pendency of the appeal before it. The learned District Judge dismissed the appeal filed by the petitioners/defendants on 20th December 2016. This Court has not granted any interim order. The temporary injunction granted by the trial Court is operating for more than 26 months.

The advocate for the respondent/plaintiff has stated that the evidence of the defendant, as requested by him, is recorded before the evidence of the plaintiff and examination-in-chief of the plaintiff is also recorded.

In the above facts, I see no reason to interfere in the matter.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

The learned trial Judge shall dispose the civil suit till 30th April 2019.

JUDGE

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