

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3161 OF 2016

Vinod S/o Rajeshwarrao Bhat ... Appellant

-vs-

Jawaharlal s/o Janardhan Chaturvedi
alias Chhotu Pandit ... Respondent.

Shri M. P. Khajanchi, Advocate for appellant.
Respondent served.

CORAM : A.S.CHANDURKAR, J.
DATE : June 24, 2019

P.C.

Rule. Heard finally in the light of service of the notice on the respondent.

2. The petitioner is the original plaintiff who has filed a suit seeking declaration that the respondent-tenant has no authority to make any encroachment or forcible entry in the suit house except two rooms that have been let out to him. A further injunction has been sought so as to restrain the respondent from obstructing the plaintiff from user of the suit property or from putting any articles of catering except in the two rooms that are in his possession. In the trial Court an application for injunction that was moved by the petitioner came to be rejected and the miscellaneous appeal filed by the petitioner was also dismissed. Hence this writ petition.

3. Heard the learned counsel for the petitioner and perused the documents placed on record. It is seen that the suit in question was filed in March 2012. This Court on 03/02/2017 passed an interim order restricting the respondent or any person claiming through him from putting any articles of catering on the open plot which was the subject matter of the suit.

4. Despite service of the notice, the respondent has not chosen to contest the writ petition. It appears he has no grievance with regard to the interim direction dated 03/02/2017. It is informed that the suit is at the stage of recording evidence. In that view of the matter, I find that interests of justice would be served by directing expeditious disposal of the suit and by continuing the interim relief operating.

5. Accordingly, the proceeding in R.C. S. No.110/2012 are expedited. The trial Court shall decide the said suit expeditiously and preferably within period of six months from the next date of the proceedings.

The interim order passed by this Court on 03/02/2017 shall without prejudice to the rights of the parties continue to operate during pendency of the suit. The trial Court shall not be influenced by the continuation of this interim order and it shall decide the suit uninfluenced by the same. Keeping the respective contentions of the parties on merits open, the writ petition is disposed of in aforesaid terms. No order as to costs.

JUDGE