

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

CIVIL APPLICATION (CAO) NO. 580 OF 2017
AND
MISC. CIVIL APPLICATION ST. NO. 6740 OF 2017
AND

REJ.WRIT PETITION NO.220 OF 2017 (W.P. ST.NO.25677/2016)
(SMT. SHOBHA GANESH KADU...VS.. SOMANI BUILDERS & DEVELOPERS & ANR.)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : JULY 30, 2019.

The learned Registrar (Judicial) refused to grant registration to the writ petition as the petitioner failed to remove office objections. Obviously, the petition came to be rejected before the notices were issued to the respondents.

Hence, without issuing notice of these applications to the non-applicants/ respondents and accepting the explanation given in the applications, delay of 17 days in filing the Miscellaneous Civil Application is condoned, the order passed by the learned Registrar (Judicial) on 13th February 2017 is set aside and the petition is restored.

The Civil Applications are **allowed** accordingly.

WRIT PETITION ST.NO.25677/2016.

The writ petition is taken up for hearing on admission.

This petition is filed by the plaintiff to challenge the order passed by the subordinate Courts concurrently rejecting the claim of the petitioner/plaintiff for temporary injunction. The plaintiff had prayed for temporary injunction as follows:

***“PRAYER :** It is, therefore, prayed that this Hon'ble Court be pleased to grant a writ of temporary injunction restraining the defendant No.1 from mutation of the suit land in his favour under sale deed dt. 22.07.2015 and from taking the possession through the police authorities be passed till the decision of this suit.*

ii) Any other relief which this Hon'ble Court deems fit may kindly be granted.”

The subordinate Courts have recorded that the plaintiff have not been able to substantiate her claim for the temporary injunction, as sought by her. Apart from it, I find that the plaintiff failed to obtain any interim protection at any stage of the proceedings. The appeal filed by the petitioner was dismissed on 15th November 2016. Though the petition was filed on 15th December 2016, the petitioner has not taken any steps to move the Court for interim order/ temporary injunction.

In the above facts, I see no reason to interfere with the impugned orders. The writ petition is **dismissed**.
No costs.

JUDGE