

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2787/2019

(KAWDU RAMAJI SAMARTH **VERSUS** YOGESH PATRU NAGOSE & ANOTHER)

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

Court's or Judge's orders

Shri B.M. Dafle, counsel for petitioner.
 Shri P.P. Karekar, counsel for respondents.

CORAM : A.S. CHANDURKAR, J.

DATE : NOVEMBER 20, 2019.

The challenge raised in the present writ petition is to the order dated 02.03.2019 passed in M.C.A. No.21 of 2018. The trial Court passed an order below Exhibit 5 and allowed the application for temporary injunction. It restrained the defendants from making any further construction on the suit property. The appeal preferred by the defendants was allowed on 02.03.2019 and the order passed by the trial Court was set aside. On 03.04.2019 while issuing notice this Court had observed that any construction made by the respondents would be subject to final orders in the proceedings. The construction if carried out was to be at the risk of the defendants.

According to the reply filed by the respondents, the construction has been carried out even before the writ petition was filed.

Considering the interlocutory nature of the impugned orders, the interests of justice would be served by directing that the construction made by the respondents would be subject to the final outcome of the suit. This direction is issued without prejudice to the rights of the parties. The trial Court shall decide the suit on its own merits and in accordance with law. All points raised on merits are kept open.

The writ petition stands disposed of. No costs.

JUDGE

APTE