

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

WRIT PETITION NO.3966 OF 2017

(AKSHAV BANDUJI DAMBHARE...VS.. ANANT KRUSHNARAO NALAMWAR & ANR.)

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

Court's or Judge's orders

Dr. Renuka S. Sirpurkar, Advocate for Petitioners.
Ms Nilonika Dodani, Adv. h/f. Shir R. Joshi, Advocate for Resp. No.1.

CORAM : Z.A.HAQ, J.

DATED : JUNE 25, 2019.

Heard.

Being aggrieved by the order passed by the learned District Judge directing the parties to maintain status-quo and restraining them from creating any third party interest in the suit property, the plaintiff in Regular Civil Suit No. 114 of 2016 has filed this petition. The petitioner/plaintiff had sought temporary injunction restraining the present respondents (defendants in Regular Civil Suit No. 114 of 2016) from undertaking any construction over the land in question. In paragraph No.20 of the order, the learned District Judge has recorded that the documents on record show that the construction in respect of which the dispute was raised by the plaintiff was complete during pendency of the proceedings. The learned Advocate for the petitioner/plaintiff has not been able to point out that the observations made by the learned District Judge are not correct.

In the circumstances, in my view, the prayer made by the petitioner for grant of temporary injunction does not

survive and cannot be considered at this stage. It is submitted that the Regular Civil Suit No. 114 of 2016 and, Regular Civil Suit No.193 of 2016 which is filed by the present respondents against the present petitioners are being tried expeditiously and on day to day basis by the trial Court. The trial Court is directed to dispose the civil suits till 30th November 2019.

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

JUDGE

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