

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

Writ Petition No.4346 of 2016
The Zilla Parishad Nagpur & Ors. Vs. Naresh Thakre

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

Court's or Judge's orders

Mr. M.A. Sable, Advocate for petitioners
Mr. Suraj Tekade, Advocate for respondent

CORAM : MANISH PITALE, J.

DATED : NOVEMBER 20, 2019

By this writ petition, the original defendants have challenged the order passed by the Court of Adhoc District Judge – 4, Nagpur (Appellate Court), whereby the appeal filed by the respondent (original plaintiff), was allowed and application for temporary injunction filed by the respondent was granted to the effect that the petitioners stood restrained from interfering in the peaceful possession of the respondent.

2. The suit was filed by the respondent for declaration, defamation and recovery of damages by claiming that the petitioners had trespassed in his properties and caused damage to his structure. On this basis, declaration was sought and prayer for damages was also made. The Trial Court has rejected the application for temporary injunction filed by the respondent and as noted above, the appeal was

allowed and application was granted.

3. While issuing notice on 03/08/2016, this Court passed the following order :

“Heard Shri M.A. Sable, Advocate for the petitioners – original defendants.

The submission on behalf of the petitioners is that the respondent – plaintiff has made claim for temporary injunction on the basis of fabricated documents. To support the contention that the documents on which the respondent – plaintiff is relying are fabricated, the learned Advocate has pointed out the order passed by the Sub-Divisional Officer on 19th January, 2016.

Notice, returnable on 15th November, 2016.

By an *ad-interim* order, the effect, operation and execution of impugned judgment passed by the learned District Judge is stayed, however, the petitioners shall not change the nature of property and shall maintain status-quo.”

4. The interim order passed by this Court while on one hand stayed the effect and operation of the impugned order passed by the Appellate Court, on the other hand, the petitioners were also directed not to change nature of the properties and maintain status quo during the pendency of the present writ petition.

5. The rival parties have made claims regarding possession in the suit property and it is claimed on behalf of the respondent that writ petition deserves to be dismissed and findings rendered by the

Appellate Court on the question of possession need to be confirmed.

6. But, considering the fact that the present writ petition is pending since the year 2016 in which the above quoted interim order has been passed by this Court, which takes care of the interest of both the parties, it would be in the interest of justice that the said order is continued and the Trial Court is directed to dispose of the suit expeditiously.

7. In view of above, the present writ petition is disposed of by continuing the interim order passed by this Court on 03/08/2016, quoted above, till the suit filed by the respondent is finally decided by the Trial Court. In the interest of justice, the Trial Court is directed to dispose of the suit expeditiously and in any case within a period of six months from today.

8. Writ petition is disposed of in above terms.

9. It is made clear that this Court has made no observations on the merits of the claims made by rival parties and the Trial Court shall decide the suit on its own merits, without being influenced by the impugned order passed by the Appellate Court or this order passed by this Court in the present writ petition.

JUDGE