

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

WRIT PETITION NO. 4636/2011
 (TUKARAM N. DORKHANDE VERSUS SANJAY D. KHEWLE)

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

Court's or Judge's orders

Shri M.P. Khajanchi, counsel for petitioner.
 Ms Kirti Satpute, counsel for respondent.

CORAM : A.S. CHANDURKAR, J.

DATE : MARCH 18, 2019.

In this writ petition, the interim adjudication on the application for temporary injunction as passed by the trial Court and thereafter by the appellate Court is under challenge.

After hearing the learned counsel for the parties, it is seen that the suit in question was filed in the year 2009. The trial Court by its order dated 08.07.2010 had rejected the application for grant of temporary injunction. The miscellaneous appeal filed by the original plaintiff came to be allowed. That order has been challenged by the original defendant.

This Court while issuing notice on 21.10.2011 was pleased to direct the parties to maintain status quo and thereafter said interim order has been confirmed which is still operating.

Considering the fact that the suit is of the year 2009, the interests of justice would be served by passing the following order:-

I. The proceedings in Special Civil Suit No.144 of 2009 are expedited and the trial Court shall decide the same by the end of October-2019.

II. The direction to maintain status quo granted on 21.10.2011 shall continue to operate during pendency of the suit. It is however clarified that this arrangement is without prejudice to the rights of the parties. The trial Court shall decide the suit on its own merits and in accordance with law without being influenced by the grant of order of status quo or its continuation.

III. All the respective contentions raised herein are kept open.

The Writ Petition is disposed of in aforesaid terms. No costs.

JUDGE

APTE