

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

WRIT PETITION NO.7668 OF 2017

Ramesh s/o Kisan Sardar, Akola

-vs-

Akshay Pramod Dandale, Yavatmal

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. R. Vyas, Advocate for petitioner.

Shri C. A. Joshi, Advocate for respondent.

CORAM : A. S. CHANDURKAR, J.

DATE : November 27, 2019

Challenge raised in the present writ petition is to the order passed by the appellate Court in Misc. Civil Appeal No.21/2016. By that order dated 20/04/2017 the appellate Court has set aside the rejection of the temporary injunction application and has restrained the defendant from interfering with the possession of the plaintiff during pendency of the suit. This Court issued notice to the respondent by order dated 24/04/2018.

Heard the learned counsel. It can be seen that the respondent has sought a declaration that sale-deeds dated 21/04/2014 and 22/04/2014 are not binding on him. He has sought temporary injunction seeking to restrain the defendant from obstructing his possession. The trial Court rejected that application but the miscellaneous appeal filed by the plaintiff

has been allowed by the impugned order. It is seen that since 20/04/2017 the order of temporary injunction is operating in the proceedings.

Considering the fact that the suit was filed in the year 2014, the interests of justice would be served by directing expeditious disposal of the suit instead of recording any prima facie finding on the respective contentions of the parties.

Accordingly the writ petition is disposed by passing the following order :

- (i) The proceedings in Regular Civil Suit No.42/2014 are expedited. The trial Court shall take necessary steps to decide the suit preferably within period of six months from the next date of the proceedings.
- (ii) During pendency of the suit, the order dated 20/04/2017 in Miscellaneous Civil Appeal No.21/2016 shall continue to operate. This direction is without prejudice to the rights of the parties.
- (iii) The trial Court shall not be influenced by the aforesaid directions. It shall decide the suit on its own merits and in accordance with law. Order accordingly. No costs.

JUDGE