

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

WRIT PETITION NO.6344 OF 2016

Pannalal s/o Shivraj Chaudhary, Malsur, Tq. Patur, Dist. Akola

-vs-

Deoman s/o Rambhau Charate and ors.

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

Court's or Judge's Orders.

Shri A. J. Thakkar, Advocate for petitioner.

Shri U. J. Deshpande, Advocate for respondent Nos.1 to 3.

CORAM : A.S.CHANDURKAR, J.

DATE : July 03, 2019

Heard the learned counsel in the light of notice for final disposal issued earlier.

The petitioner is the defendant No.2 in the suit filed by the respondent Nos.1 to 3 seeking a decree of perpetual injunction against the defendant. It is the case of the plaintiffs that they are the owners of the suit property having purchased the same from the defendants by separate sale-deeds. According to the plaintiffs the defendants tried to obstruct their possession and hence the aforesaid suit for perpetual injunction came to be filed. On the other hand in the written statement filed by the defendants along with a counter-claim filed by defendant No.2, a declaration has been sought that the alleged sale-deeds dated 19/07/2011 executed by the defendant No.1 in favour of the plaintiffs were

null and void and not binding on defendant No.2. The application for temporary injunction that was moved by the plaintiffs before the trial Court came to be rejected while similar application filed by defendant No.2 came to be allowed. The appellate Court however by the impugned order has proceeded to reject the application for temporary injunction that was filed by defendant No.2 and has granted injunction in favour of the plaintiffs.

2. Heard Shri A. J. Thakkar, learned counsel for the petitioner and Shri U. J. Deshpande, learned counsel for respondent Nos.1 to 3. It is seen that this Court on 26/10/2016 while issuing notice had directed the parties to maintain status quo which direction continues to operate even today. It is submitted on behalf of the petitioner that as the suit is at the stage of recording evidence, the present arrangement which is operating since 26/10/2016 be directed to be continued. Though the learned counsel for the respondent Nos.1 to 3 sought to support the order passed by the appellate Court, it is not disputed that for almost three years the order of status quo is operating in the present proceedings. Any observations made by the Court at this stage could cause prejudice to either of the parties and hence the interests of justice would be served by passing the following order in the facts of the case :

The proceedings in R.C.S. No.28/2012 are expedited. The trial Court shall endeavor to decide the same by the end of December 2019.

The order of status quo which is operating since 26/10/2016 shall continue to operate during pendency of the proceedings but without prejudice to the rights of the parties.

The trial Court shall not be influenced in any manner by the continuation of this interim direction.

The Writ Petition is disposed of with no order as to costs.

JUDGE