

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

WRIT PETITION NO.6915 OF 2016

Kisna s/o Atmaram Durge, Hinganghat, Dist. Wardha

-vs-

Shila w/o Arunrao Charad, Hinganghat, Dist. Wardha

WITH

WRIT PETITION NO.331 OF 2016

Kisna s/o Atmaram Durge, Hinganghat, Dist. Wardha

-vs-

Priti w/o Amol Charde, Hinganghat, Dist. Wardha

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

Court's or Judge's Orders.

Smt Anjali Joshi, Advocate for petitioner.
Shri A. M. Chande, Advocate for respondent in
W.P.No.6915/2016
Shri J. R. Kidilay, Advocate for respondent in
W.P.No.331/2016

CORAM : A.S.CHANDURKAR, J.

DATE : June 24, 2019

Rule in both the writ petitions is made returnable forthwith.

Shri A. Chande, learned counsel waives notice on behalf of the respondent in W.P.No.6915 of 2016 and Shri J. R. Kidilay, learned counsel waives notice on behalf of the respondent in W.P. No.331/2016.

2. Orders passed by the appellate Court restraining the defendant-petitioner from disturbing the possession of the plaintiff is the subject matter of challenge in these writ petitions.

3. In Writ Petition No.331/2016 the respondent has filed suit for specific performance of agreement dated 05/02/2013 alongwith prayer for temporary injunction and the appellate Court has restrained the defendant-petitioner from interfering with the possession of the plaintiff- respondent.

3. In Writ Petition No.6915/2016, suit for specific performance of agreement dated 16/11/2012 has been filed wherein also the appellate Court has restrained the defendant from creating third party rights in the suit property and from dispossessing the plaintiff.

4. After hearing the learned counsel for the parties it is seen that orders passed by the appellate Court against the petitioner-defendant are operating for period of more than three years. No interim relief was granted in these writ petitions. Hence, without going into merits of the challenge as the suits are pending before the trial Court, expeditious disposal of those suits would serve the interests of justice.

5. Accordingly, both the writ petitions are disposed of by directing the trial Court to expeditiously decide Spl. C. S. Nos.51/2014 and 57/2015 on their own merits without being influenced by the observations made on the orders passed below Exhibit-5 by the trial Court as well as in the miscellaneous appeals by the appellate Court. The respective contentions of the parties in that regard are kept open.

No costs.

JUDGE