

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

WRIT PETITION NO.6829 OF 2016

Gayabai Vikram Bhagat and ors.

-vs-

Vijay Vitthal Bhedekar and anr.

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

Court's or Judge's Orders.

Shri S. C. Bhalerao, Advocate for petitioners.

Shri A. S. Dhore, Advocate for respondents.

CORAM : A.S.CHANDURKAR, J.

DATE : July 24, 2019

The challenge raised in the present writ petition is to the order passed by the appellate Court in the Miscellaneous Appeal that was preferred by the defendants. The appellate Court set aside the order granting injunction.

This Court while issuing notice on 20/12/2016 had directed the parties to maintain quo in respect of possession. It is submitted by the learned counsel for the parties that before the trial Court the evidence of the defendant is being recorded. Though learned counsel for the parties have sought to support their respective stands as taken in the civil suit, considering the fact that the evidence of the defendant is being now recorded it is not necessary to examine the correctness of the findings recorded by the appellate Court while allowing the Miscellaneous Appeal. Interests of justice would be met by directing the trial Court to decide the proceedings in

R.C.S. No.13/2016 expeditiously on their own merits and in accordance with law. Till the suit is decided the interim arrangement as directed on 20/12/2016 shall continue to operate without prejudice to the rights of the parties. The trial Court shall not be influenced by this interim arrangement.

The writ petition is disposed of in aforesaid terms with no order as to costs.

JUDGE