

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 136/2017

Hansraj S/o Mahadev Sonbavane & anr.

..VS..

Shri Rajendra S/o Lahuji Kakde & anr.

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : 03/01/2019

Neither the petitioners nor their advocate is present when the matter is called out. Heard Shri S.D. Ingole, Advocate for the respondents.

The respondents – plaintiffs have filed the civil suit praying for decree for perpetual injunction restraining the petitioners – defendants from interfering with possession of the plaintiffs over the suit property. In this civil suit, the plaintiffs had filed an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure praying for temporary injunction. This application was rejected by the trial Court by the order dated 04/07/2016. The plaintiffs had challenged the order dated 04/07/2016 before the District Court in appeal which is allowed by the impugned judgment. The learned District Judge has restrained the defendants from interfering with possession of the plaintiffs over the suit property till the decision of the civil suit.

The judgment passed by the learned District

Judge restraining the defendants from interfering with possession of the plaintiffs over the suit property is dated 19/11/2016. This writ petition is pending since 13/12/2016. This Court has not granted any interim order. The restraint order is operating against the defendants for more than two years.

In view of the above, I am not inclined to interfere with the impugned judgment in the extra-ordinary jurisdiction, however, as the civil suit is of 2015, the trial Court is directed to decide it within six months.

The writ petition is **disposed** in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari