

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

WRIT PETITION NO.117 OF 2019

(NAGPUR IMPROVEMENT TRUST & ANR...VS.. M/S. HARIHAR INFRASTRUCUTRE LIMITED.)

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

Court's or Judge's orders

Shri R.O.Chhabra, Advocate for Petitioners.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 15, 2019.

Heard.

The original defendant/Nagpur Improvement Trust has challenged the judgment passed by the learned District Judge by which the appeal filed by the original plaintiff is allowed and the defendant is restrained from removing the construction over Plot No.4 till decision of the civil suit which is pending before the trial Court. The submission on behalf of the petitioner/ defendant is that the trial Court had rightly dismissed the application which was filed by the plaintiff praying for temporary injunction, and it was not open for the appellate Court to re-appreciate the evidence and come to a different conclusion. Various other submissions are also made.

I find that the impugned judgment is dated 26th March 2018, this Court has not granted any interim order and the order of temporary injunction is in force for almost about ten months. The civil suit is of 2011. The learned advocate for the petitioner/ defendant has pointed out that now it is at the stage of recording of evidence.

In the above facts, I am not inclined to interfere with the impugned judgment in the extraordinary jurisdiction. However, as the civil suit is of 2011, the trial Court is directed to decide it till 24th April 2019.

The writ petition is **disposed** in the above terms.
No costs.

The petitioner/ defendant shall immediately place copy of this order on the record of the trial Court

JUDGE

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