

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

**WRIT PETITION NO.987 OF 2018**

Ashok s/o Laxmanrao Ghatе, Tahsil Saoner, Dist. Nagpur

-vs-

Vijay s/o Laxmanrao Ghatе, Tahsil Saoner, Dist. Nagpur

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

Court's or Judge's Orders.

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Shri N. A. Padhye, Advocate for petitioner.

Shri D. Pathak, Advocate for respondent.

**CORAM : A.S.CHANDURKAR, J.**

**DATE : August 06, 2019**

The challenge raised in the present writ petition is to the order of temporary injunction as passed by the trial Court on 18/03/2017 restraining the defendant from carrying on any illegal construction on the suit property and also from disturbing the usage of the suit property by the plaintiff. Miscellaneous appeal filed by the original defendant has been dismissed by the appellate Court by confirming the order of the trial Court on 06/10/2017.

2. Heard Shri N. A. Padhye, learned counsel for the petitioner and Shri D. Pathak, learned counsel for the respondent. The learned counsel reiterated their respective submissions that were urged before the trial Court as well as

before the appellate Court. It is however seen that the order of temporary injunction as granted by the trial Court is operating since 18/03/2017. It is informed that the plaintiff has filed his affidavit-in-lieu of evidence and hence recording of evidence would now commence.

3. In the light of the fact that the order of temporary injunction has been operating since long, the interests of justice would be served by directing expeditious disposal of R.C.S. No.147/2016. In that view of the matter, it is not found necessary to go into the correctness of the impugned order.

4. Accordingly the following order is passed :

(i) Proceedings in R.C.S.No.147/2016 are expedited. The trial Court shall take steps to decide the suit by the end of December 2019. The parties shall co-operate with the trial Court for aforesaid expeditious disposal of the suit.

(ii) It is clarified that while deciding the suit the trial Court shall not be influenced by the observations made in the order passed below Exhibit-5 or by the appellate Court while deciding the miscellaneous appeal.

(iii) Without prejudice to the contentions of the defendant, the order passed by the trial Court on 18/03/2017 shall operate during pendency of the suit.

With these observations the writ petition is disposed of.  
No costs.

**JUDGE**