

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 WRIT PETITION NO. 1440 OF 2003

BABAN VITHOBA SOR
VERSUS
KAMAL BAI W/O BABANRAO DESHMUKH AND OTHERS

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Advocate for Petitioner : Mr. S.S. Bora
Advocate for Respondent No.1 : Mr. Hemant Surve
AGP for Respondent Nos. 2 and 3-State : Mr. A. S. Shinde

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CORAM : V. K. JADHAV, J.
DATED : 20th JANUARY, 2020

PER COURT:-

1. Heard both sides.
2. The petitioner is the original defendant no.3 in the suit bearing Regular Civil Suit No. 626 of 1996 instituted by respondent no. 1/plaintiff for a decree of perpetual injunction. The trial court refused to grant temporary injunction. Being aggrieved by the same, the respondent/plaintiff had preferred an appeal bearing Misc. Civil Appeal No. 31 of 1998 before the District Court and the learned District Judge, Jalna, by judgment and order dated 25.05.1998 has allowed the appeal and quashed and set aside the order passed by the trial court below Exh. 5 and ultimately,

allowed the application Exh.5 seeking issuance of temporary injunction. Aggrieved by the same, this Writ Petition has been preferred by original defendant no.3 wherein, by order dated 09.04.2003, this Court has granted stay to the order passed by the appellate court in Misc. Civil Appeal No. 31 of 1998.

3. It is not clear as to whether the suit bearing Regular Civil Suit No. 626 of 1996 is still pending before the trial court. If it is pending, the parties shall maintain status quo in respect of the suit property till disposal of the suit and the trial court shall dispose off Regular Civil Suit No. 626 of 1996 as expeditiously as possible, preferably within one year from the date of this order. Order accordingly.

4. The Writ Petition is disposed off. Rule discharged.

(V. K. JADHAV, J.)

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