

RAJSHREE
KISHOR
MORE
Digitally
signed by
RAJSHREE
KISHOR
MORE
Date:
2021.09.08
15:06:47
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6443 OF 2019**

Shri Tanaji Shankar Bhoje] .. Petitioner
V/s.
Sadashiv Dattu Mahar (Kamble) & Ors.] .. Respondents

Mr.Prajakt Arjunwadkar, for Petitioner.
Mr.D.V. Sutar a/w Nirmal P. for Respondent Nos.1 to 3.

CORAM : N.R.BORKAR, J.

DATED : 7TH SEPTEMBER 2021.

P.C.:

1] This Petition takes an exception to the order dated 25.03.2019 passed by the learned District Judge – 1, Jaysingpur in Miscellaneous Civil Appeal No.52 of 2018.

2] In a suit filed by the Petitioner for specific performance of contract and for injunction, the application for temporary injunction was filed. The trial Court allowed the said application by order dated 25.10.2018. By the said order the respondents were restrained from interfering with the possession of the Plaintiff over the suit property and they were also restrained from creating third party interest.

3] In an appeal filed by the respondents against the order of trial Court the appellate Court reversed the order of the trial Court to the extent of restraining the respondents from interfering with the possession of the Petitioner over the suit property. The appellate Court, however, maintained

the order in respect of restraining the respondents from creating third party interest.

4] There is no interim order in favour of the Petitioner in the present Petition. As such, there is no interim injunction in favour of the Petitioner since last more than two years. In the facts and circumstances of the case, in my view instead of examining the matter on merits, it would be appropriate to direct the trial Court to decide the suit within a stipulated period. Hence, the order :

i] The trial Court is directed to decide the suit in question, as expeditiously as possible, but in any case, within one year from today.

ii] With these directions, Writ Petition stands disposed of.

[N.R.BORKAR,J]