

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8254 OF 2021

SANJAY ARJUN GAVADE AND ANOTHER
VERSUS
KAUSALYABAI SUDAMRAO BHARNE AND OTHERS

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Advocate for the Petitioners : Shri Deshpande Gaurav L.
AGP for Respondents 2 and 3 : Shri PG. Borade
Advocate for Respondent 1 : Shri R.V. Gore

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CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 05th January, 2022

Per Court:

1. The petitioners, who are the defendant Nos.3 and 4 in RCS No.335/2018, are aggrieved by the judgment dated 11.10.2019 passed by the District Judge-5, Jalna in Miscellaneous Civil Appeal No.44/2018, thereby, upholding the order passed by the Civil Judge, Junior Division, below exhibit-5.

The impugned order concurs with the findings recorded by the Trial Court granting injunction in favour of the plaintiff, who is also the plaintiff in another RCS No.216/2015, which is the suit for partition and separate possession. In RCS No.335/2018, the plaintiff has claimed the relief of perpetual injunction.

2. Considering the fact that the impugned order passed in the

appeal is in operation since 11.10.2019 and the learned District Judge, while dismissing the appeal, has directed the 7th Joint Civil Judge, Senior Division, Jalna to expedite the matter and the direction is also issued to dispose of another suit RCS No.216/2015 expeditiously, interest of justice would be better served by directing the Trial Court to determine the proceedings.

3. In the wake of the above, interest of justice would be served if RCS No.216/2015 and RCS No.335/2018 are expeditiously concluded and preferably within a period of six months from today. Needless to state, the respective parties shall render necessary cooperation to the respective learned Trial Judges for concluding the proceedings in the respective suits.

4. With the aforesaid directions, this Writ Petition stands disposed of.

kps

(SMT. BHARATI H. DANGRE, J.)