

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

41 WRIT PETITION NO.6816 OF 2022

**MANDAKINI PRALHAD PANHALE
VERSUS
DHANAJI PACHAN PATEL AND OTHERS**

...

Advocate for Petitioners : Mr. Mande N. V. h/f Mr. Momale U.L.

CORAM : MANGESH S. PATIL, J.
DATE : 04.07.2022.

PER COURT :

Heard the learned advocate for the petitioner who is the original defendant No. 5.

2. In a suit for perpetual injunction, the application for temporary injunction (Exh. 5) is pending. The petitioner filed an application (Exh. 52) for appointment of a Court Commissioner. Instead of allowing the trial court to decide the application for temporary injunction (Exh. 5) with expected urgency, by moving the application (Exh. 51) the petitioner requested that even before the application for the temporary injunction was decided it should decide his application for appointment of court commissioner. The trial court has rejected that application (Exh. 51).

3. It is unfortunate that an innocuous order expecting the parties to cooperate in deciding the application for temporary injunction (Exh.5) is being challenged. It is not that the petitioner has put up any counter claim. Even if he intends to elucidate something, he could have allowed the trial court to decide the application (Exh. 52) in due course but his insistence that it should be decided even before the application for temporary injunction is decided is something which clearly demonstrates

he is being adamant.

4. Needless to state that the application for temporary injunction is to be decided expeditiously. The indulgence the petitioner was seeking was certainly improper. The petition is dismissed with costs.

5. The trial court shall now decide the application for temporary injunction as early as possible even before deciding the application (Exh. 52).

(MANGESH S. PATIL, J.)

mkd/-