IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4625 OF 2013

NANASAHEB MARUTI KARPE AND OTHERS ..PETITIONERS

VERSUS

SARUBAI PATILBA KARPE AND ANOTHER ..RESPONDENTS

…

Mr. Rajendra S. Kasar, Advocate for the Petitioners.
Mr. R. G. Nirmal h/f Mr. S. S. Gangakhedkar, Advocate for Respondent No.1.

…

CORAM : S. V. GANGAPURWALA, J.

DATED : 14th JANUARY, 2022.

PER COURT:-

1. Heard Mr. Kasar, learned counsel for petitioners and Mr. Nirmal, learned counsel for respondents.

2. The present writ petition is filed against the order dismissing the Appeal and allowing the application Exhibit-20 partly by the Ad-hoc District Judge-1, Ahmednagar in Miscellaneous Civil Appeal No.65/2012.

3. The Miscellaneous Civil Appeal No.65/2012 was filed against the order passed below Exhibit-5 wherein injunction was clamped. The Appellate Court did not interfere with the order of the Trial Court except to the limited extent as is detailed. On 17.06.2013 this Court issued notice. However,

no interim relief orders were passed in favour of the petitioners.

4. The learned counsel for respondents submits that, the Suit is now fixed for final arguments.

5. No purpose would be served now by keeping the matter pending. More particularly, as the position as on date is operating since year 2013.

6. It is also trite that, Trial Court has to decide Suit on its own merits on the basis of the evidence adduced before it. The observations made at the time of deciding the temporary injunction application are only prima facie in nature.

7. Writ Petition is disposed of. No costs.

(S. V. GANGAPURWALA)
JUDGE

Devendra/January-2022