

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10418 OF 2018

Bhagwat Shivaji Gaisamudre and Another

PETITIONERS

VERSUS

Ashok Manohar Sirsat and Others

RESPONDENTS

.....

Mr. S. S. Thombre, Advocate for the petitioners

Mr. S. B. Pulkundwar, AGP for respondent - State

Mr. B. S. Kudale, Advocate for respondents No.1 and 2

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st MARCH, 2022

ORDER :

1. Challenge raised in the petition is to the order passed below Exhibit-5, temporary injunction application, in Regular Civil Suit No.218 of 2015, which is confirmed in Miscellaneous Civil Appeal No.13 of 2017.

2. Injunction is granted against the petitioners by allowing the application Exhibit-5.

3. It is informed by the learned advocate for the petitioners that the suit is at the stage of recording evidence. The respondent – plaintiffs have led their evidence and filed evidence closure purshis. Now the suit is posted for defendants' evidence.

4. Since the recording of the evidence is in progress before the Trial Court, it would not be appropriate to consider the challenge raised by the petitioners to the interim injunction order.

5. Thus, without going into the merits of the matter, it is appropriate to direct the trial court to conclude the hearing of the suit expeditiously and dispose of the suit within a period of six months from today.

6. With aforesaid directions, writ petition is disposed of.

7. Needless to mention that the interim order passed by this Court shall not influence the Trial Court while deciding the suit on merits.

[NITIN B. SURYAWANSHI]
JUDGE