

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.8562 OF 2013**

YUVRAJ BALAJI KADAM

..PETITIONER

VERSUS

NITIN ANURATH MOTEGAONKAR AND OTHERS ..RESPONDENTS

...

Mr. Jayant R. Patil, Advocate for the Petitioner.
Mr. A. B. Tele h/f Mr. S. s. Manale, Advocate for
Respondent No.1.

...

CORAM : S. V. GANGAPURWALA, J.

DATED : 14th JANUARY, 2022.

PER COURT:-

1. Heard learned counsel for the petitioner and learned counsel for respondent no.1.

2. The petitioner is original defendant no.1. The respondents/plaintiffs filed an application for temporary injunction in the Suit. The Trial Court rejected application for temporary injunction. The plaintiffs filed Appeal bearing Miscellaneous Civil Appeal No.28/2013. The Ad-hoc District Judge-1 under order dated October 1, 2013 allowed the Miscellaneous Civil Appeal directing injunction in favour of plaintiffs and against defendant nos.1 and 2. The defendant no.1 has filed present petition.

3. This Court under order dated 14.10.2013 directed the parties to maintain status quo. The said order appears to be in force till date.

4. For almost seven and half years, the order of status quo is in force. Even otherwise, the determination at the interim stage of deciding application Exhibit-5 has to be on a prima facie case. The Trial Court naturally will have to decide the Suit on the basis of evidence led by the parties and would not be guided by the observations made at the time of deciding the temporary injunction.

5. The order of status quo passed by this Court shall be continued till the disposal of the Suit.

6. With the aforesaid observations, writ petition is disposed of. No costs.

(S. V. GANGAPURWALA)
JUDGE