

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13567 OF 2019

AFTAB AHMED SHAIKH AKHLAQ AAHMED SHAIKH
VERSUS
SUHAS BHIMRAO BORADE AND ANOTHER

Mr.A.D.Kasliwal, Advocate for the petitioner.

Mr.S.S.Gangakhedkar, Advocate for respondent No.1.

(CORAM : BHARATI H. DANGRE, J.)

DATE : FEBRUARY 18, 2022

PER COURT :

1. The original plaintiff/petitioner, who has instituted the suit for injunction against the defendants in the Court of Civil Judge, Sr. Division, Aurangabad, revolving around the land located at Jatwada, Tal. and Dist. Aurangabad. The suit being instituted on 05/10/2018, an application vide Exh.5 seeking temporary injunction was filed on 21/01/2019 and the same came to be rejected. This order came to be upheld in an appeal by the Appellate Court in MCA No.45/2019. The appeal order is passed on 31/08/2019 and there is no dispute about the fact that since the date when the injunction is refused in favour of the plaintiff, the possession continue as on today.

2. Though the learned Advocate for the petitioner would strenuously submit that the Court has erred in recording the finding against him in receiving the temporary injunction, in my considered opinion, since it is the fact that the issues are settled in the suit, the suit itself directed to be disposed off expeditiously, since the parties are governed by the possession, which is prevailed since the filing of the suit.

3. In the wake of the above, interest of justice would be better served if the learned Civil Judge, Sr.Division, Aurangabad is directed to culminate the proceeding in RCS No.862/2018 within a period of 6 (six) months from today. Needless to state that both the parties shall render their co-operation to the learned Judge to conclude the proceedings in the period as directed above.

(BHARATI H. DANGRE, J.)