

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6721 OF 2019

Prabhuling Gaourishankar Mokashi & Ors.Petitioners

Versus

Baburao Sidhappa Mokashi & Ors.Respondents

Mr. Makarand Kale i/b Mr. Sachin K. Hande for the Petitioner.
Mr. Anant Vadgaonkar for Respondent Nos. 1 to 6.

CORAM : N. R. BORKAR, J.

DATE : 25th JANUARY, 2022.

P.C. :

. This petition takes an exception to the judgment and order dated 06th March, 2019 passed by the learned District Judge – 8, Solapur, in Civil Misc. Appeal No. 18 of 2019.

2. The Petitioners herein filed the suit for injunction. The application at Exhibit- 5 for temporary injunction was filed. The said application was allowed by the trial Court. The appeal was filed against the said order of the trial Court. By the order impugned, the Appellate Court allowed the appeal. Consequently the order of trial Court allowing the application for temporary injunction came to be set aside.

3. There is no interim order in the present petition for more than two and half years. The learned Counsel for Respondent No. 1 submits that the Suit is at the stage of evidence, I therefore do not see any point in hearing the present petition on merit. Instead the trial Court can be directed to decide the suit expeditiously. Hence, the following order is passed:

ORDER

- i) The trial Court shall endeavor to decide R.C.S. No. 579 of 2018 as early as possible and in any case within one year from the date of receipt of copy of this order.
- ii) Needless to mention that the trial Court shall decide the suit on its own merits without being influenced by the order passed by the Appellate Court.

(N. R. BORKAR, J.)