

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12604 OF 2018

Subhash R. Shah and ors. ...Petitioners
V/s.
Amol C. Rokade and ors. ...Respondents.

Mr. Sandesh D. Patil a/w. Mr. P.A. Gokhale for the Petitioners.
Mr. A.B. Kadam for Respondent No.5.

CORAM : N.R. BORKAR, J.
DATE : 17.02.2022.

P.C. :

1. This petition takes an exception to the judgment and order dated 09.05.2018 passed by the learned District Judge-4, Satara in Miscellaneous Civil Appeal No. 168 of 2017, by which the learned District Judge dismissed the miscellaneous appeal filed by the present petitioners and confirmed the order dated 14.11.2017 passed by the learned IInd Joint Civil Judge, Jr. Division at Phaltan, Satara rejecting the application filed by the petitioners for temporary injunction to the extent that the respondents/defendants be restrained from disturbing their peaceful possession over the suit property.

2. I have heard the learned counsel for the petitioners.

3. The application for temporary injunction was filed in the year 2017. There is no interim injunction as sought by the petitioners since then. I am, therefore, not inclined to entertain the present petition for grant of temporary injunction after five years. In the result the following order is passed.

ORDER

- a] Writ Petition is dismissed.
- b] The trial court shall endeavor to decide Regular Civil Suit No. 58 of 2016, as expeditiously as possible and in any case within a period of one year from the date of receipt of copy of this order.
- c] Needless to mention that the trial court shall decide the suit in question, on its own merits and without being influenced by the order passed by it or by the appellate court.

[N.R.BORKAR, J.]