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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11655 OF 2016

Sharad B. Ratnakar and anr. ...Petitioners.
V/s.
Ajij Yunus Shaikh and anr. ...Respondents.

Mr. N.A. Mogre for the Petitioners.
Ms Smita R. Gaidhani for Respondent No.1.

CORAM : N.R. BORKAR, J.
DATE : 21.01.2022.

P.C. :

1. This petition takes an exception to the order dated 2.9.2015 passed by the District Judge-5, Nashik in Miscellaneous Civil Appeal No. 99 of 2014.

2. The petitioners herein filed the suit for declaration and injunction. The application was filed for temporary injunction. The trial Court by order dated 20.8.2014 passed the following order on the application filed by the petitioners for temporary injunction.

ORDER

- 1. The defendant nos.1 and 2 are restrained from creating third party interest or making any kind of construction upon the suit properties either through themselves or through anybody else in any manner till final conclusion of the suit.*
- 2. Cost in cause."*

3. The abovesaid order of the trial Court came to be set aside in an appeal filed by the respondents.

4. The learned counsel for respondent No.1/defendant No.1 submits that the construction is already over and the respondents have even inducted the third parties in the premises constructed by them. The learned counsel for respondent No.1, however, on instructions, submits that there will not be any further creation of third party interest by respondent No.1 in the suit property during the pendency of the suit.

5. In view of the statement made by learned counsel for respondent No.1/defendant No.1, the following order is passed.

ORDER

a. The trial Court shall endeavor to decide the Regular Civil Suit No. 390 of 2013, as early as possible and in any case within a period of one year from the date of receipt of copy of this order.

- b. The defendant No.1, hereinafter, shall not create any further third party interest in the suit property.
- c. The parties shall cooperate with the trial Court in expeditious disposal of the suit.
- d. Writ Petition is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]