

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

Digitally
signed by
BALAJI
GOVINDRAO
PANCHAL
Date:
2022.03.17
09:52:28
+05:30

WRIT PETITION NO.10802 OF 2016

Shri. Abhijit @ Dattatray Tukaram Dalvi and Anr. ..Petitioners
Versus

Shri. Tukaram Dagdoba Dalvi and Ors. ..Respondents

Mr. Rahul S. Kate, for the Petitioners.

Mr. Shailesh D. Chavan, for the Respondent Nos.2 & 3.

CORAM : NITIN W. SAMBRE, J.

DATE : 16th MARCH, 2022

PC.

1. Heard respective counsels.
2. I am informed that recording of evidence in the suit in question is already concluded and the suit is posted for final arguments.
3. The order impugned was passed on 1st July, 2016.
4. Though Mr. Rahul Kate, counsel for the petitioners has tried to prevail upon this Court to claim that the petitioners are entitled for injunction, however, the Court is required to be sensitive to the fact that since last about seven years there is no interim injunction or any arrangement of order of this Court or the Court below.

5. In the aforesaid background and having regard to the fact that there are already concurrent findings recorded against the petitioners and the suit has already reached at the final argument, in my opinion, no case for showing indulgence in extraordinary jurisdiction is made out.

6. The petition as such stands dismissed.

7. However, the Trial Court is directed to decide the suit within a period of twelve weeks from today as it is not in dispute that the recording of evidence is already concluded.

[NITIN W. SAMBRE, J.]