

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1245/2019

Noorkhan S/o Inayat Khan
...Versus...
Sk. Riyazoddin Sk. Chand and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri U.J. Deshpande, Advocate for petitioner
Shri D.S. Patil, Advocate for respondent no.1

CORAM : AVINASH G. GHAROTE, J.
DATE : 12/10/2022

1. Heard Shri Deshpande, learned counsel for the petitioner and Shri Patil, learned counsel for the respondent no.1. None appears for the respondent nos.2 to 5, though served.

2. The Trial Court, by an order dated 11/04/2018 below Exh.5, had granted an injunction in favour of the plaintiff/respondent no.1, appeal against which, by the petitioner/defendant no.1 came to be dismissed, against which, the present petition has been filed, in which, by an order dated 26/02/2019 of this Court, the effect and operation of the order of injunction dated 11/04/2018 has been stayed.

3. Shri Deshpande, learned counsel for the petitioner and Shri Patil, learned counsel for the respondent no.1 are agreeable that the since the suit is fixed for evidence of the defendant no.1/petitioner and the interim order dated 11/04/2018 has been stayed by this Court, the parties would prefer to decide the suit on merits and the interim order dated 26/02/2019 be continued till the decision of the suit and the suit be directed to be decided expeditiously.

4. Since this is an arrangement, to which the learned counsels for the petitioner (original defendant no.1) and the respondent no.1 (original plaintiff) are agreeable, the writ petition is disposed of in the above terms. The Trial Court is requested to decide the suit as expeditiously as possible. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar