

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**911 APPEAL FROM ORDER NO.37 OF 2023  
WITH  
CA/7490/2023 IN AO/37/2023**

**ISAK BAIG RASUL BAIG MIRZA  
VERSUS  
SAYED NASIR SAYED RASHEED**

...

**Advocate for Appellant:**

**Mr. Vinod S. Dhotre h/f. Mr. Undre Vikram S**

**Advocate for Respondent:**

**Mr. N. R. Thorat h/f. Mr. Girish Bhaskarrao  
Kadlag**

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**CORAM: ARUN R. PEDNEKER, J.**

**DATE: 28<sup>th</sup> JUNE, 2023**

**PER COURT:**

1. By the present Appeal From Order, the appellant is challenging the interlocutory order dated 08.03.2023, whereby injunction has been granted against the appellant from creating third party interest in the said property. The suit is filed by the plaintiff for specific performance of the agreement to sale dated 02.01.2017, for an agricultural land admeasuring 24 Are in Gut No. 174, situated at Badnapur. The agreement was of Rs.17,00,000/- and Rs.4,00,000/- was paid to the

defendant by the palintiff. The plaintiff has filed suit for specific performance of the contract in which they have prayed for injuncting the defendant from creating third party interest in the suit property and injunction has been granted by order dated 08.03.2023, against which the present Appeal From Order is filed.

2. After hearing the matter for some time, the learned counsel for the appellant submitted that his property would remain unutilized and he is not able to enjoy the property rights, as such, the court be directed to decide the matter as expeditiously as possible.

3. Having considered the submissions, I am of the view that the trial court can be directed to decide the matter as expeditiously as possible so as to enable the parties to assert their rights over the suit properties.

4. In view of the same, this Appeal From Order is disposed of with a direction to decide

the suit as expeditiously as possible and in any event within a period of two (02) years from the date of the order of the court.

5. The Civil Application is also disposed of.

[ARUN R. PEDNEKER, J.]

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