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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7030 OF 2023

Narayan Devnath Jatal and Others

PETITIONERS

VERSUS

Vandana Dnyaneshwar Bembde and Others

RESPONDENTS

.....

Mr. M. L. Dharashive, Advocate for the petitioners

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th JULY, 2023

ORDER :

1. The petitioners are aggrieved by the order passed by the learned 4th Joint Civil Judge, Senior Division, Latur below Exhibit-65, thereby directing defendants No.1 to 3, to maintain *status quo* regarding alienation of the suit property, till filing of the say to Exhibit-59.

2. By filing application Exhibit-59, the plaintiff prayed for temporary injunction. The defendants did not file say to the said application. The plaintiff thereafter filed application Exhibit-65, contending that defendant No.2, in collusion with other defendants, without filing say to the interim stay application Exhibit-59, is trying to create third party interest in the suit property. He, therefore, prayed for granting *status quo* order,

which is granted by the Trial Court, till filing of the say by the defendants to Exhibit-59. The petitioners are aggrieved by this order.

3. Heard learned advocate for the petitioners. Perused the memo of writ petition, documents annexed along with the same and the impugned order.

4. Learned advocate for the petitioners submits that the impugned order is passed behind the back of the petitioners and since it is passed in violation of the principles of natural justice, the same is liable to be quashed and set aside.

5. On going through the document placed on record it appears that the Trial Court has passed the impugned order thereby granting stay till filing of say to Exhibit-59 by the defendants. The petitioners can approach the Trial Court and pray for vacating the said order. This Court is of the opinion that at this stage, it is not necessary to interfere in the impugned order in exercise of extraordinary writ jurisdiction. Writ petition is disposed of by granting liberty to the petitioners to approach the Trial Court praying to vacate the interim injunction.

[NITIN B. SURYAWANSHI]
JUDGE