

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

WRIT PETITION NO.853 OF 2022

**RAJENDRA BHAGWAN BORSE AND OTHERS
VERSUS
PROMOD JIBHAU BORSE**

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Advocate for Petitioners : Mr. P.B. Patil (Borse)
Advocate for Respondent : Mr. V.S. Khairnar and Mr. M.C. Ghode

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 17th JULY, 2023

PER COURT :

1. In the present matter, petitioners are aggrieved by the order dated 03/09/2021, passed by learned District Judge-2, Jalgaon, in Misc. Civil Appeal No.14/2021 and the order dated 03/03/2021, passed by learned 3rd Joint Civil Judge, Junior Division, Chalisgaon, below Exhibit-6 in Regular Civil Suit No.65/2018.

2. Petitioner No.3 filed R.C.S. No.98/2017 against Gokarnabai Gulab Patil and respondent herein. Thereafter respondent filed R.C.S. No.65/2018 against present petitioners. Both the suits are filed for specific performance of registered sale deeds in respect of the same house property. Along with the suit, application for interim injunction at Exhibit-6 is filed by the respondent. In this matter, temporary injunction application filed by respondent/plaintiff is allowed by the trial Court. Hence, the present

petition.

3. For the reasons stated in Writ Petition No.826/2022, the present petition is disposed of.

4. It is made clear that the observations in both these orders are prima facie and the trial Court shall not be influenced by the same while deciding the suits on merit.

5. Both the suits i.e. R.C.S. No.98/2017 and R.C.S. No.65/2018 be clubbed together, if not already clubbed and be disposed of simultaneously after recording separate evidence.

(NITIN B. SURYAWANSHI, J.)