



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10892 OF 2022**

Hanumant Yashawant Sawant and Anr. ... Petitioners
versus
Dattu Yashwant Sawant ... Respondent

Mr. Mahadeo Anantrao Choudhari with Ms. Trisha Choudhari, Mr. Ranveer Choudhari for Petitioner.
Mr. Chandrakant D. Mali, for Respondent

CORAM: N.J.JAMADAR, J.

DATE : 20 JULY 2023

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to a judgment and order dated 19 April 2022 passed by the learned District Judge at Pandharpur in Civil Misc. Appeal No.71 of 2017 whereby the Appeal preferred by the Petitioner came to be dismissed affirming the order passed by the Civil Judge, Jr. Division, Pandharpur on an application for temporary injunction in Regular Civil Suit No.574 of 2015, rejecting the prayer for temporary injunction.
3. The Petitioners have instituted a suit seeking perpetual injunction against the Respondent-Defendant, brother of Petitioner No.1, in respect of an ancestral land bearing Gat No.551/1.
4. Having regard to the nature of the dispute and the relationship between

the parties, and the fact that the courts below have exercised discretion not to grant injunction, at this stage, there is no propriety in entertaining the Petition. However, since the suit is instituted in the year 2015, it may be appropriate to direct the learned Civil Judge, Jr. Division, Pandharpur on whose file RCS Suit No.574 of 2015 is pending to decide the suit expeditiously.

5. The Writ Petition stands disposed with a request of the learned Civil Judge, Jr. Division, Pandharpur, to decide RCS No.574 of 2015 as expeditiously as possible and preferably within a period of one year from the date of communication of this order.

(N.J.JAMADAR, J.)