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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13450 OF 2023

Santosh Dnyaneshwar Kanade ... Petitioner
V/s.
Dnyaneshwar Sakharam Kanade & Anr. ... Respondents

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Mr. Pramod N. Joshi, for petitioner.

Mr. Manoj A. Patil, for respondent Nos.2 & 3.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 30, 2023

P.C.:

1. The petitioners/original plaintiffs are challenging the order passed by the Courts below rejecting application for temporary injunction.

2. Both parties agree that detailed reasons need not be assigned. Hence, following order:

a) The impugned orders passed by the District Judge – 9, Nashik dated 25 November 2021 confirming the judgment and order dated 16 July 2019 passed by 4th Jt. Civil Judge (Sr. Division), Nashik below Exhibit 5 in Special Civil Suit No.211 of 2019 to the extent of relief of injunction not to create third party rights are quashed and set aside. Instead, the defendants are directed not to create third party rights in

relation to suit property during pendency of suit.

b) The Trial Court shall decide the suit uninfluenced by the observations made in this order or the impugned orders.

c) Considering the nature of controversy, the Trial Court is directed to decide the Special Civil Suit No.211 of 2019 within one year from today.

3. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)