

AGK

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

WRIT PETITION NO.4036 OF 2022

Bajappa Gundu Kamble & Ors.

... Petitioners

V/s.

Jaypal Appasaheb Patil

... Respondent

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WITH

WRIT PETITION NO.311 OF 2020

Raghunath Keraba Ranage & Anr.

... Petitioners

V/s.

Jaypal Appasaheb Patil & Anr.

... Respondents

Mr. Sandeep S. Koregave with Ms. Pallavi Karanjkar for
the petitioners in both the WPs.

Mr. Sukumar Ghanavat for respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 20, 2023

PC.:

1. The petitioners are defendants in a suit for specific performance of contract filed by respondent No.1. The Trial Court by order dated 3 September 2019 rejected temporary injunction application filed by the plaintiff seeking injunction against defendants restraining them from disturbing plaintiff's possession over the suit property. The Trial Court granted temporary injunction application filed by the defendants in counter-claim restraining plaintiff defendants' possession over the suit property.

2. The Trial Court reversed the order in an appeal. The defendants, therefore, filed present writ petition.

3. This Court on 2 March 2021 stayed orders passed by the Appellate Court, with the result that for more than two and half years there is no injunction against the defendants from disturbing plaintiff's possession over the suit property. The effect of order of 2 March 2021 is that injunction against the plaintiff continues.

4. Considering the nature of dispute between the parties, i.e. suit for specific performance and the counter-claim restraining the plaintiff from disturbing plaintiffs' possession, it would be in the interest of justice that the interim arrangement during pendency of the present writ petitions need to be continued during pendency of the suit. Hence, following order:

a) Clause (3) of order dated 2 March 2021 shall be the interim relief during pendency of Special Civil Suit No.518 of 2018 and the counter-claim;

b) Considering the fact that the suit is of the year 2018, the Trial Court is directed to decide the suit within one year from today.

5. Both the writ petitions stand disposed of in above terms. No costs.

(AMIT BORKAR, J.)