

Nikita

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

WRIT PETITION NO.7989 OF 2022

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NIKITA KAILAS
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Shankar Gurusidhappa Wadi and Ors. ... Petitioners

V/s.

Mahananda Shivkumar Pattanshetti ... Respondent

Mr. Ashok B. Tajane for the Petitioner.

Mr. Bhooshan Walimbe a/w Ms. Seema S. Dighe i/b Mr.
Priyal G. Sarda, for the Respondents.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 19, 2023

P.C.:

1. Challenge in this petition is to the orders passed by the Courts below granting temporary injunction against the petitioners restraining them from disturbing possession of plaintiff over the first floor and staircase which connects first floor with the ground floor. Further injunction restraining defendants from disconnecting common electric connection is also directed. The injunction restraining defendant from creating tenancy right is also granted. The Trial Court by order dated 12th February 2020 granted injunction. The Appellate Court by order dated 20th November 2017, confirmed the said injunction. During the pendency of the petitioner, the order of injunction was in force. However, relief granted by this Court is in relation to consequent order of police protection.

2. Ad-interim granted by this Court does not stayed the effect of impugned orders. With the order interim relief is running in favour of respondents for atleast three years.

3. It is informed that defendants cross-examination is going on before the Trial Court. Therefore in it would be in the interest of justice that the Trial Court be directed to decide Special Civil Suit No.46 of 2018. Hence following order:

a) The Civil Judge Senior Division Solapur is directed to decide the Civil Suit No.46 of 2018 within six months from today.

b) The orders passed by the Courts below shall remain in force during the pendency of the suit.

4. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)