

Nikita

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

WRIT PETITION NO.14287 OF 2022

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Abhay Dattatray Kulkarni and Ors. ... Petitioners

V/s.

Vitthal Gopala Tibile ... Respondent

Mr. Sandeep S. Koregave, for the Petitioner.

Mr. Shantanu Patil i/b Mr. Chetan G. Patil for
Respondent.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 6, 2023

P.C.:

- 1.** The defendant in a suit for specific performance is challenging orders passed by the Courts below granting temporary injunction application restraining petitioners from disturbing possession of the respondents over the suit property.
- 2.** On perusal of the impugned orders, it appears that based on prima facie material, both the Courts below recorded a finding of fact that plaintiff is in possession the of suit property. On perusal of material on record, it appears that the finding does not suffer from material irregularity or it cannot be termed as perverse.
- 3.** Considering the nature of dispute between parties, it would be in the interest of justice that the Trial Court be directed to

decide the suit within one year from today. Hence following order:

- i) The Trial Court is directed to decide the Civil Suit No.170 of 2016 within one year from today.
 - ii) It is made clear that Trial Court shall decide the suit uninfluenced by the impugned orders.
4. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)