

Nikita

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

**CIVIL APPLICATION NO.34 OF 2022
IN
WRIT PETITION NO.1893 OF 2017**

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Balasaheb Popat Dabhade and Anr. ... Applicants

V/s.

Nilesh Rajaram Rakshe and Ors. ... Respondents

Mr. Balwant Salunkhe a/w Mr. Subhash Hulyalkar for
the Applicants.

Mr. Abhijit M. Adagul a/w Ms. Harvinder Kaur Rogi
for Respondent Nos. 1 to 6.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 4, 2023

P.C.:

1. For the reasons stated in the application, the application is allowed.
2. Writ Petition No.1893 of 2017 is restored.

WRIT PETITION NO.1893 of 2017

3. The petitioners who were original plaintiffs filed Regular Suit No.192 of 2014, seeking injunction against the respondents from encroaching over the suit property. The plaintiffs additionally filed an application for temporary injunction not to disturb their possession over the suit property.

4. The Trial Court by order dated 23rd September 2015 rejected the application. Aggrieved thereby, the plaintiff filed Miscellaneous Civil Appeal No.421 of 2015. The Appellate Court by judgment and order dated 4th August 2016, rejected the appeal.
5. It appears that from the date of filing of suit, i.e. from the year 2014, for last nine years, there is no injunction running in favour of the plaintiffs.
6. Therefore, it would be in the interest of justice that the Trial Court be directed to decide the suit as expeditiously as possible.
7. The writ petition stands disposed of directing the Trial Court to decide Regular Civil Suit No.192 of 2014 as expeditiously as possible.

(AMIT BORKAR, J.)