

Nikita

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

WRIT PETITION NO.7428 OF 2018

NIKITA
KAILAS
DARADE
Digitally signed by
NIKITA KAILAS
DARADE
Date: 2023.11.01
10:47:06 +0530

Gundi Savla Bhosale and Ors.

... Petitioners

V/s.

Kundlik Tukaram Dighe and Ors.

... Respondents

Mr. Dnyaneshwar W. Bhosale for the petitioners.

Mr. Ajay A. Joshi for respondent Nos.1 to 3.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 31, 2023

P.C.:

1. The petitioners are original defendants. The Trial Court rejected application of the plaintiffs by order dated 15th February 2018 seeking injunction against defendants not to disturb enjoyment of road described in sale deed in an appeal filed by the plaintiffs. The Appellate Court by impugned order dated 14th June 2018 allowed the appeal restraining defendants from disturbing peaceful enjoyment of the road as described in the sale deed till the decision of the suit.

2. This Court initially granted ad-interim stay. However from 21st February 2019 there is no ad-interim relief in favour of the petitioners. Therefore, it would be in the interest of justice that the Trial Court is directed to decide the suit. Hence, following order:

3. The Trial Court is directed to decide Regular Civil Suit No.471 of 2017 within nine months from today.
4. The Trial Court shall decide the suit on its own merits uninfluenced by the observations made by the Appellate Court in its order.
5. All contentions of the parties are kept expressly open while deciding suit on merits.
6. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)