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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8063 OF 2021**

Deepak Devidas Kawade ... Petitioner
vs.
Mohan Sandipan Kawade & Ors. ... Respondents

Mr. Rupesh K. Bobade for the Petitioner.

Mr. Ghanasham S. Jadhav for Respondent nos. 1 to 8.

CORAM : SANDEEP V. MARNE, J.

DATED : 21 FEBRUARY, 2023

P.C. :-

1. By the present Petition the Petitioner challenges the Judgment and Order dated October 29, 2021 passed by the Extra Jt. Additional Judge, Pandharpur.

2. Without going into the merits of the contentions of the respective parties, it is observed that the suit is of the year 2017. The Trial Court had rejected the application for temporary injunction by order dated October 16, 2017. The District Court has clamped twin injunctions on the defendant by its order dated October 29, 2021 (i) by restraining Defendant no. 1 from alienating the suit property (ii) by

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restraining Defendant nos.1 to 4 from causing obstruction to the joint possession of the plaintiffs to the suit land. The lower Appellate Court by its order dated October 29, 2021 stayed its own order for a period of one month. This court, by its order dated November 29, 2021 has continued that stay and the said ad-interim order continues to operate till date. This means that effectively there has been no injunction of either nature in favour of the Plaintiff right since the year 2017.

3. Mr. Bobade learned counsel appearing for the Petitioner fairly submits that the Petitioner is willing to make a statement to the effect that Petitioner shall not create any third party rights in respect of the suit land during pendency of the suit.

4. In the light of the position emerging before me, this Petition can conveniently be disposed of by passing following order:

(i) Judgment and order passed by the Extra Jt. Additional District Judge, Pandharpur on October 29, 2021 shall stand modified only to the extent that the petitioners /defendants shall not create any third party rights in respect of the suit land during pendency of Regular Civil Suit No. 547 of 2017.

(ii) Temporary injunction granted by the lower Appellate Court restraining Defendant nos. 1 to 4 from causing obstruction to the joint possession of the Plaintiff shall not operate during pendency of Regular Civil Suit No. 547 of 2017.

(iii) The Trial Court is requested to expedite the hearing of Regular Civil suit No. 547 of 2017.

(iv) With the above directions, Writ Petition is disposed of. No costs. All contentions of parties on merits are kept open.

(SANDEEP V. MARNE, J.)