



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 482 OF 2022

(SAU. RAJANI SHASHIKANT GAJARE..VS.. SAU. ASHABAI SUBHASH PATIL & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.P.Lambat, Advocate for Petitioner.
Shri R.L.Khapre, Sr. Adv. a/b Shri S.M.Bhagde, Adv. for Respondent No.1.
Shri G.L.Agrawal, Advocate for Respondent No.2.

CORAM : ANIL S. KILOR, J.
DATED : OCTOBER 31, 2023.

1. In the present matter, the learned trial Court vide order dated 04/07/2013, passed below Exh.5, allowed the application and thereby granted temporary injunction in favour of the petitioner restraining the respondents from obstructing the possession of the petitioner over the suit property till final disposal of the suit.

2. The said order came to be reversed by the lower appellate Court vide judgment and order dated 23/09/2021 passed in Misc.Civil Appeal No.9 of 2013, which is the subject matter of challenge in the present writ petition.

3. This Court on 01/02/2022 directed the parties to maintain *status quo* as regards possession and since then the order of *status quo* is in operation. However, in absence of any stay to the proceedings the matter has reached to the stage of recording of evidence.

4. In that view of the matter, I do not find it necessary to record findings on merits for the simple reason that any observations made may cause prejudice to any of the parties or the trial Court may get influenced by such observations, while deciding the suit finally. Therefore, I am of the opinion that the purpose would be sub-served if the trial Court is directed to decide the suit within stipulated period. The parties have undertaken to cooperate the trial Court to decide the matter early.

5. Accordingly, I pass the following order:

- i) The Writ Petition is disposed of.
- ii) The learned trial Court is directed to decide Regular Civil Suit No.23 of 2012 expeditiously and in any case before 29/02/2024.
- iii) Both the parties shall cooperate the trial Court in deciding the suit within the stipulated period.

The Writ Petition is **disposed of** accordingly.
No order as to costs.

JUDGE