

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

WRIT PETITION NO. 741/2020

KISNABAI VISHWANATH CHAVHAN AND OTHERS
VS

RAMBHAU DALPAT CHAVHAN

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Bhavin Suchak h/f. Mr. Parag Kadu, Advocates for the
petitioners
Mr. O.W. Gupta, Advocate for the respondent
Mr. D.S. Khushalani, Advocate for the caveator

CORAM : A. S. KILOR, J.

DATED : 06/06/2023

Heard.

2. The judgment and order dated 24.01.2020 passed by the learned District Judge- 2, Achalpur in Misc. Civil Appeal No. 37/2019 reversing the order of rejection below Exh. 5 passed by the learned Joint Civil Judge Junior Division, Daryapur in Regular Civil Suit No. 67/2019 and thereby granting interim injunction restraining the defendants from disturbing peaceful possession of the plaintiff is under challenge in this petition.

3. The petitioners are original defendants in a suit filed by the plaintiff for permanent injunction.

4. The plaintiff filed a suit alongwith an application Exh. 5 which came to be rejected vide order below Exh. 5 dated 11.09.2019. The same was carried in appeal. The said appeal came to be allowed by setting aside the order of the trial Court. Thus, the judgment and order passed by the Appellate Court granting temporary injunction is under challenge in this writ petition.

5. The impugned judgment and order is dated 24.01.2020, whereas, the present writ petition was filed on 03.02.2020. This Court on 05.02.2020 directed both the parties to maintain status quo and since then, for more than three years the order of status quo is in operation.

6. In the meanwhile, the suit was proceeded further and it is informed that the matter is fixed for evidence.

7. In that view of the matter, I am of the opinion that the purpose would be served if the order of status quo granted by this Court on 05.02.2020 is continued and the directions are issued to the learned Trial Court to decide the suit within a stipulated period.

8. For this arrangement, both the parties are agreed. Accordingly, I pass the following order:-

(a) The writ petition is disposed of with direction to the learned trial Court to decide Regular Civil Suit No. 67/2019 within a period of six months from today.

(b) Both the parties have undertaken to co-operate the learned trial Court to decide the suit within a stipulated period.

(c) The status quo order passed by this Court vide order dated 05.02.2020 shall continue to operate till the disposal of the suit.

JUDGE