

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

Writ Petition No.4396 of 2018

WASUDEO S/O GHUSAJI MOHINKAR VS SMT. LAXMIBAI DONUJI CHACHARKAR AND OTHERS

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

Court's or Judge's Order

Shri D.M. Surjuse, Advocate for the Petitioner

Shri S. Malke, Advocate for the respondent Nos.1 to 4

CORAM : ANIL S. KILOR, J.

DATED : 11.01.2023

1. Heard.
2. In this petition, a challenge is raised to the order below Exh.5 dated 10.10.2017 passed by District Judge-I, Warora in Regular Civil Appeal No.26 of 2016, thereby rejecting the temporary injunction sought by the petitioner.
3. In this case, the suit of the petitioner for permanent injunction was rejected by the trial Court on 07.04.2016. Thereupon, the appeal was filed along with Exh.5 for temporary injunction which was rejected by the lower Appellate Court vide impugned order dated 10.10.2017. The present petition was filed on 07.03.2018. Thus, from 07.04.2016 till 07.03.2018, there was no injunction in favour of the petitioner as regards possession.
4. Though notices were issued on 25.07.2018, no interim relief was granted. As such, since last seven years there is no order granting protection to the petitioner.

5. The appeal is pending before the learned First Appellate Court. In the circumstances, I am of the opinion that by disposing of the present writ petition without touching to the merit of the matter, if the First Appellate Court is directed to decide the appeal expeditiously, the purpose would be served. Accordingly, I pass the following order:

- (i) The application is **disposed** of.
- (ii) The learned District Judge-I, Warora is directed to decide the Regular Civil Appeal No.26 of 2016, expeditiously, and in any case, before 31.05.2023.

[ANIL S. KILOR, J.]