

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

Writ Petition (WP) No. 2174 of 2018

Shri Yashwant S/o Gapalrao Kaware and another

Versus

Shri Gopalrao S/o Ramji Kaware and another

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

Court's or Judge's Order

Shri A.K. Waghmare, Advocate for the petitioners.

Shri S.P. Kshirsagar, Advocate for the respondents.

CORAM : ANIL S. KILOR, J.

DATED : 14th JUNE, 2023.

In a suit for declaration and permanent injunction filed by the petitioner, an application Exhibit 5 for temporary injunction came to be allowed vide order dated 7th December, 2017 and thereby defendants were restrained from making any type of construction over the suit property i.e. house No. 31 CTS 1127, Nagpur till disposal of the suit.

2. The said order Exhibit 5 was challenged before the learned District Judge-13, Nagpur in Misc. Civil Appeal No. 30 of 2018 and learned District Judge-13 reversed the said order Exhibit 5 vide impugned judgment and order dated 7th March, 2018, which is the subject matter of the present petition.

3. The relief which was sought by the plaintiffs by way of temporary injunction was to restrain the defendants from carrying out any construction over the suit property.

4. Shri Kshirsagar, learned counsel for the respondents/defendants on instructions make a statement that the defendants are not going to make any construction over the suit property till the disposal of the suit.

5. Shri Waghmare, learned counsel for the petitioners submits that the statement may be taken as undertaking and in view of the statement, he does not want to press the present petition as it serves the purpose of the petitioners. He further prays for to expedite the suit.

6. Accordingly, in the above referred backdrop, the statement of learned counsel for the respondents is accepted as an undertaking by the defendants. The petitioner is permitted to withdraw the present writ petition in view of the above referred undertaking.

7. Learned trial Court is directed to expedite the trial and decide the Regular Civil Suit No. 1217 of 2017, in any case, within nine months from today.

8. The writ petition is disposed of.

[ANIL S. KILOR, J.]