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

WRIT PETITION NO.3871 OF 2018

[Waman s/o Pandurang Madankar .vs. Deepak Ambadas Nimkar and one]

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

Court's or Judge's orders

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Shri A.R. Patil, Advocate for the petitioner,
Shri V.D. Muley, Advocate for respondent nos.1 and 2,
Shri M.I. Dhatrak, Advocate for respondent no.3.

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CORAM : ANIL S. KILOR, J.
DATE : 18th JULY, 2023.

In the present matter the petitioner is a defendant against whom a temporary injunction was granted by the trial court and maintained by the appellate court.

2. The learned Trial Court allowed Exh.5 on 02.03.2017 in Regular Civil Suit No.04/2017 and the first appellate court dismissed Misc. Civil Appeal No.11/2017 filed by the petitioner vide judgment and order dated 29.01.2018. Thereafter the present writ petition was filed on 23.04.2018 and since then it is pending in this court for admission.

3. It is pertinent to note that in the present matter no interim protection was granted to the petitioner. Thus, the temporary injunction is operating against the petitioner from 02.03.2017 i.e. for more than six years.

4. In the meantime, the suit has been proceeded further and in the suit the Commissioner is appointed for inspection of the spot.

5. Thus, considering the above referred facts, I am of the opinion that without going into the merits of the matter and instead of recording any finding which may influence the trial court at this stage while deciding the suit finally, the ends of justice would be subserved if the Trial Court is directed to decide the suit expeditiously in time bound manner.

6. Both the parties are agreeable to this arrangement. Accordingly, I pass the following order :

O R D E R

(i) The writ petition is disposed of with a direction to the learned Trial Court to decide Regular Civil Suit No.04/2017 expeditiously and in any case, within nine months from today.

(ii) All points raised in this petition are kept open.

(ANIL S. KILOR, J.)

Gulande

Signed By:ABHIMANYU
SHANKARRAO GULANDE
Personal Assistant
High Court Nagpur
Signing Date:19.07.2023 15:19