

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

WRIT PETITION NO.3727 OF 2022

Ashok S/o Pundlik Chaudhari and another .Vs. Ramhari Deoman Bhoyar 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.D. Girdekar, Advocate for the petitioners.

Shri G.N. Shinde & Shri P. Thakur, Advocate for the respondent
No.2/caveator.

CORAM : ANIL S. KILOR, J.

DATED : 18/01/2023

1. Heard.

2. In this writ petition, order below Exh.53 dated 08.06.2022 passed in R.C.S. No.35 of 2017 by the 2nd Jt. Civil Judge, Junior Division, Mangrulpir, allowing application Exh.53 for grant of early hearing at Exh.20 i.e. application to grant temporary injunction, is under challenge.

The only ground raised in this writ petition is that, as the issue of jurisdiction is pending and without deciding the same, the Court cannot hear the application for temporary injunction. Further ground is that the proper reasons are not recorded by the learned trial Court while allowing the application for early hearing.

3. It is the discretion of Court whether to grant early hearing or to deny such request and once such discretion is exercised judiciously, in writ petition this Court cannot interfere with it and accordingly, I do not find any merit in the present writ petition.

4. As far as the contention of the petitioner that the issue of jurisdiction should be decided first by the learned trial Court. The petitioner can make application before the learned trial Court which shall be decided in accordance with law.

Accordingly, the writ petition is **dismissed**.

JUDGE