

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

Writ Petition No.6104 of 2018

Sachin Pandurang Hede

Vs

Punjab Motiram Muneshwar 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 Amol Darekar, Advocate for the Petitioner/s

CORAM : ANIL S. KILOR, J.

DATED : 05.07.2023

1. Heard.

2. In the present petition, the petitioner is the plaintiff, who has filed a suit for perpetual injunction, restraining the defendants from disturbing his continuous possession over the suit field. The petitioner has filed an application Exh.5 along with the suit, which was rejected by Civil Judge Junior Division, Mahagaon vide order dated 22.7.2015 and allowed the application Exh. 25 preferred by the defendant No.2 thereby, restraining the plaintiff from obstructing the possession of the defendant No.2 over the suit land.

3. The petitioner feeling aggrieved by the said order dated 22.07.2015 preferred Misc. Civil Appeal No.14 of 2015 which came to be dismissed vide judgment and order dated 21.09.2017. Hence, this petition.

4. Admittedly, after the rejection of Exh. 5 by the learned trial Court on 27.05.2015, there is no injunction operating in favour of the petitioner, restraining the defendants from interfering the possession of the petitioner. On the contrary, the injunction is operating against the petitioner and in favour of the defendant No.2.

5. Thus, from last eight years, there is no protection operating in favour of the petitioner. Even the present petition which was filed on 04.06.2018, is pending from last 5 years. In the present matter also, there is no interim protection granted to the petitioner. In the meantime, the suit was proceeded further and therefore, I am of the opinion that it would not be appropriate to observe anything on merits at this stage.

6. Furthermore, a purpose would be served, if directions are issued to the learned trial Court to expedite the suit and decide the same within stipulated period. Accordingly, I pass the following order:

- (i) The writ petition is **disposed** of with a direction to the learned Civil Judge Junior Division, Mahagaon, District Pusad, to decide the Regular Civil Suit No.24 of 2013 expeditiously, and in any case within nine months from today.

[ANIL S. KILOR, J.]