

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

Writ Petition No.4141 of 2018

Janardan Ramchandrapa Bhatjode And Another
Vs
Babanappa Ramchandrapa Bhatjode 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 C.B. Dharmadhikari, Advocate for the Petitioners
Shri S.A. Mohta, Advocate for the respondent Nos.1 and 2

CORAM : ANIL S. KILOR, J.
DATED : 07.06.2023

1. Heard.
2. The present writ petition takes exception to the judgment and order dated 04.06.2018 passed by the District Judge III, Akola in MCA No.39 of 2018, dismissing the appeal challenging the order below Exh.5 dated 18.05.2018 passed by Civil Judge Junior Division, Barshitakli in Regular Civil Suit No.30 of 2018, rejecting the application filed by the plaintiff for grant of temporary injunction.
3. The petitioners are the original plaintiffs. Admittedly, since 18.05.2018, there is no protection in favour of the petitioners. Even after dismissal of the appeal vide impugned judgment and order, no interim relief was granted by this Court in favour of the petitioners in the present writ petition.
4. Both the learned counsel for the respective parties have made a joint statement that the suit is fixed on 14.06.2023 for

recording evidence. In the circumstances, I am of the opinion that a purpose would be served, if the petition is disposed of without going into the merit of the matter and by directing the learned trial Court to decide the suit within six months from today.

5. Both the learned counsel for respective parties have agreed for this arrangement. Accordingly, I pass the following order:

- i) The writ petition is **disposed of**.
- ii) The learned trial Court is directed to decide the suit within six months from today.
- iii) All points are kept open.

[ANIL S. KILOR, J.]