



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

Writ Petition (WP) No. 5980 of 2022

Santosh Dnyaneshwar Kale

Versus

Dilip Kundlik Vaidhya and others

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

Court's or Judge's Order

Shri S.S.Rao, Advocate for the petitioner.

Shri Vasanta Umare, Advocate for the respondent nos. 1
to 3.

CORAM : ANIL S. KILOR, J.

DATED : 5th OCTOBER, 2023.

Heard.

2. The petitioner filed a suit for permanent injunction against the respondents on the ground that since his forefather i.e. from the year 1931 the plaintiff is in possession of the suit property and defendants are trying to take the possession forcibly alongwith an application Exhibit 5 for temporary injunction, which came to be allowed vide order below Exhibit 5 dated 29th September, 2013. The same was carried in the appeal before the District Judge-12, Nagpur vide Misc. Civil Appeal No. 285 of 2017 and it has been reversed by the learned Lower Appellate Court, which is under challenge in this writ petition.

3. From the record, it is evident that initially the temporary injunction was in operation from 29th September, 2017 till the disposal of the appeal on 8th July, 2022 i.e. for almost five years. Thereafter while issuing notice, this Court granted interim protection in favour of the petitioner vide order dated 26th September, 2022 which is in operation from last one year.

4. Thus, it appears that except for couple of months, from last six years the temporary injunction is in operation in favour of the petitioner and by now the suit has reached to the stage of evidence.

5. In that view of the matter, I am of the considered view that the ends of justice would be subserved if the interim protection granted by this Court shall continue with the direction to the trial Court to decide the suit expeditiously within stipulated period.

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

i. The writ petition is disposed of with directions to the trial Court to decide the Regular Civil Suit No. 43 of 2017 expeditiously and in any case within four months from next fixed date in the suit.

- ii. The interim protection granted by this Court vide order dated 22nd September, 2022 shall continue till the disposal of the suit.
- iii. The parties are undertaken to co-operate the trial Court to decide the suit within stipulated period.

[ANIL S. KILOR, J.]