

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

WRIT PETITION NO.6240 OF 2018

(LAXMI GANGADHAR AMRUTKAR ..VS.. POONAMCHAND BHAWARLAL SONI & OTH.)

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

Court's or Judge's orders

Shri J.K.Matale, Advocate for Petitioner.
Shri A.A.Dhawas, Advocate for Respondent Nos. 1 and 2.
None for Respondent No.3.

CORAM : ANIL S. KILOR, J.
DATED : JUNE 14, 2023.

1. Heard learned counsel for the petitioner and Respondent Nos. 1 and 2. None for the respondent No.3.

2. In the writ petition reversal of order granting temporary injunction is under challenge.

3. The learned trial Court vide order dated 22/09/2017 granted temporary injunction in favour of the petitioner in Special Civil Suit No. 16 of 2016 filed for setting aside the decree in Special Civil Suit No. 54 of 2008. The said order below Exh.5 dated 22/09/2017 came to be reversed by the District Judge-3, Chandrapur vide judgment and order dated 07/04/2018, which is the subject matter of the present writ petition.

4. Admittedly, after passing of the impugned judgment and order dated 07/04/2019 there was no interim protection operating in favour of the petitioner.

After passing of the impugned judgment and order the period of more than five years is lapsed and by this time the suit has reached to the stage of evidence.

5. In the circumstances, I am of the opinion that without going into the merits of the matter, the interest of justice would be sub-served if the trial Court is directed to decide the suit within stipulated period.

6. Accordingly, I pass the following order:

- i) The Civil Judge Senior Division, Chandrapur is directed to decide Special Civil Suit No.16 of 2016 within nine months from today.

The Writ Petition is **disposed of** accordingly.
No order as to costs.

JUDGE

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