

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

WRIT PETITION NO.6554 OF 2018

(KHUMSING DALSING DAWAR & 2 OTH ..VS.. RAMKRISHNA NINAJI TAYADE & 5 OTH.)

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

Court's or Judge's orders

Ms Sonali Saware-Gadhawe, Advocate for Petitioners.
Shri A.V.Bhide, Advocate for the Respondent Nos.1 to 6.

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

1. Heard.

2. The respondent herein filed a suit for declaration and permanent injunction along with application Exh.5 for temporary injunction, which came to be rejected vide order below Exh.5, dated 15/10/2015. Feeling aggrieved by the same the respondent carried the same in Misc.Civil Appeal No.28 of 2015. The learned lower appellate Court allowed the appeal and thereby granted temporary injunction against the petitioners. Hence, this petition.

3. The present petition was filed on 26/09/2018 and till date no interim protection was granted in favour of the petitioners. The net result is that the temporary injunction order is operating from last more than five years in favour of the respondents. By the time this matter come up before this Court for hearing, the suit has reached to the stage of evidence.

4. In the circumstances, I am of the opinion that, without going into the merits of the matter, the purpose would be served if the writ petition is disposed of with direction to the trial Court to decide the suit within stipulated period.

7. Accordingly, I pass the following order:

- i) The writ petition is **disposed of**.
- ii) The learned trial Court is directed to decide Regular Civil Suit No.38 of 2014 within 9 months from today.

In the circumstances, there shall be no order as to costs.

JUDGE

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