

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

WRIT PETITION NO. 1014/2018

SMT. SHANTABAI WD/O TULSHIRAM DONGERDIVE AND ANOTHER
VS
VIJAY GULABRAO MAKODE 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 G.G.Bade, counsel for the petitioners.

Shri J.B. Kasat, counsel for the respondent Nos. 2 and 3.

CORAM : ANIL S. KILOR, J.

DATED : 25/01/2023

1. Heard.
2. In this writ petition, dismissal of appeal filed by the petitioners/defendants and confirming the order below Exhibit No.5, injuncting the petitioners from disturbing the possession of the plaintiff on the suit property till disposal of the suit, is under challenge.
3. The learned trial Court allowed Exhibit No.5 filed by the plaintiff on 12/07/2016, the same was carried in Misc. Civil Appeal No. 40/2016, before the Adhoc District Judge-1, who has maintained the order of the trial Court and dismissed the appeal.
4. Thereafter, the present writ petition was filed on 16/11/2017, after about seven months from the date of the order of the learned appellate Court. Thereafter, no steps were taken to get the matter listed for eight

months and on 24/07/2018, the writ petition was listed and notices were issued. Thereafter, again no steps were taken to get the matter listed, as such it was pending from last six years and the injunction is operating against the petitioners from last seven years.

5. In the above referred backdrop, after going through the reasons recorded by both the Courts below, I do not find any perversity committed by both the Courts below in allowing the application exhibit No.5 for grant of temporary injunction against the defendants. As both the orders passed by the Courts below are based on well established principles of injunction and as they have not committed any error or legal infirmity, I do not find any merit in the present writ petition. Accordingly, the writ petition is **dismissed**.

However, the learned trial Court is directed to expedite the trial and decide the same at the earliest.

JUDGE