

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

WRIT PETITION NO.182 OF 2020

(GAJANAN GULABRAO GHENGE...VS.. SHRIKRUSHNA SARANGDHAR GAWANDE)

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

Court's or Judge's orders

Shri Ramesh A. Bhoyar, Advocate (Appointed) for Petitioner.
Shri V.B.Bhise, Advocate for the Respondent.

CORAM : ANIL S. KILOR, J.

DATED : APRIL 03, 2023.

1. Heard.
2. In the present writ petition the challenge is raised to the judgment and order dated 06/11/2019 passed in Misc.Civil Application No.63 of 2018 by District Judge-3, Akola, allowing the appeal and reversing the order rejecting application Exh.5 dated 21/08/2018. Resultantly, the learned appellate Court restrained the petitioner/defendant or anybody on his behalf from interfering with the possession of the plaintiff over the suit field. This restraintment order is in operation since 06/11/2019 as no stay was granted by this Court in the present writ petition while issuing notice to the respondent.
3. The respondent/plaintiff filed a suit for permanent injunction on the basis of the title which has been denied by the petitioner/defendant on the ground that the Sale Deed was not an outright sale, but it was a nominal sale deed.

4. It is informed that the suit is fixed for evidence.

5. In the above referred circumstances, I am of the view that without going into the merits of the matter, the purpose would be served if the learned trial Court is directed to decide the suit expeditiously. Accordingly, I passed the following order:

- i) The Writ Petition is **disposed of**. No order as to costs.
- ii) The learned Civil Judge Junior Division, Balapur is directed to decide the Regular Civil Suit No.18 of 2018 as expeditiously as possible and in any case within six months from today.

Pending Civil Application(s), if any, shall stand disposed of.

JUDGE

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