



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

APPEAL FROM ORDER NO.44 OF 2024

Smt. Kamal Bahgwan Kharat

...Appellant

**Versus**

The State of Maharashtra,  
through Collector & Ors.

...Respondents

WITH  
CIVIL APPLICATION NO.13157 OF 2024  
IN  
APPEAL FROM ORDER NO.44 OF 2024

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Adv. S. s. Gangakhedkar h/f. Adv. Yogesh D. Kale for Appellant.

Adv. D. P. Palodkar h/f. Adv. Shubham S. Khoche for Respondent  
No.5/Caveator.

Adv. V. S. Badakh, AGP for Respondent (State).

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 16<sup>th</sup> DECEMBER 2024.

PC.:-

1. Heard learned Advocates appearing for respective parties.
2. This appeal from order takes exception to order dated 4<sup>th</sup> October 2024, passed below Exhibit-5 in R.C.A. No.40 of 2024, by Adhoc District Judge-2, Vaijapur.
3. By way of impugned order, Original Defendant Nos.1 to 4 or anybody claiming through them is temporarily restrained from interfering in possession of Plaintiff. Learned Advocates appearing for the parties are ad-idem on the point that during pendency of Regular

Civil Suit No.263 of 2023, temporary injunction was in operation against Defendant Nos.1 to 4. The Appellate Court seems to have continued interim injunction till disposal of appeal. It is submitted before this Court that now appeal is posted for final hearing on 20<sup>th</sup> December 2024. In that scenario, it would not be appropriate to go into merits of the impugned order.

4. However, looking to the overall conspectus of matter, this appeal can be disposed of with directions to learned District Judge to make endeavour to conclude hearing of pending appeal and render final decision expeditiously, within 10 weeks from date of receipt of this order. Needless to mention here that observations made in the impugned order would not influence the Appellate Court while finally deciding appeal on its own merits.

**(S. G. CHAPALGAONKAR, J.)**