



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

901 WRIT PETITION NO. 14679 OF 2023

MEERA RAMESH KULKARNI AND OTHERS

VERSUS

ASHOK UTTAMRAO KULKARNI AND OTHERS

...
Advocate for the Petitioner : Mr. Jadhavar Santosh Sampatrao
Advocate for Respondents No.1 and 2 : Mr. S. S. Gangakhedkar
...

CORAM : ARUN R. PEDNEKER, J.

Dated : February 01, 2024

PER COURT :-

1. Heard the learned Advocate appearing on behalf of the respective parties. It is case of the petitioners that they are in possession of their respective shares in view of compromise decree passed in Regular Civil Suit No.243 of 2018. While deciding the application for temporary injunction filed in Regular Civil Suit No.129 of 2023, both the Courts have prima facie held that the plaintiffs are not in possession of the suit property.

2. The finding of possession by the Courts below is a prima facie finding and no patent illegality is pointed out to disturb the prima facie

finding. Therefore, taking into consideration the totality of the circumstances, I deem it appropriate to direct the Court below i.e. 2nd Joint Civil Judge, Junior Division, Gangakhed to decide the pending Regular Civil Suit No.129 of 2023 as expeditiously as possible, and in any event, within a period of three years from today.

3. In view of the above, the writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.