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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10827 OF 2012

Nandkumar Dhanaji Bhosle and Anr.	.. Petitioners
Versus	
Arun Balkrishna Shelar and Ors.	.. Respondents

**WITH
INTERIM APPLICATION NO. 18240 OF 2023
IN
WRIT PETITION NO. 10827 OF 2012**

Arun Balkrishna Shelar and Ors.	.. Applicants
<u>IN THE MATTER BETWEEN</u>	
Nandkumar Dhanaji Bhosle and Anr.	.. Petitioners
Versus	
Arun Balkrishna Shelar and Ors.	.. Respondents

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- Mr. Girish Godbole, Senior Advocate a/w. Mr. Aditya A. Joshi, Advocate i/by Ketki Gadkari for the Petitioners.
 - Mr. Dilip Bodake, Advocate for Respondent Nos.1 to 4.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 08, 2024.

P.C.:

- 1.** Heard Mr. Godbole, learned Senior Advocate for Petitioners and Mr. Bodake, learned Advocate for Respondent Nos.1 to 4.
- 2.** Both the learned Advocates are *ad idem* that there is an interim order which is in operation since 12.12.2012.
- 3.** Mr. Bodake would point out one development; he would submit that there is construction of a poultry farm and shed on the suit

property and in that view of the matter Application No.1 of 2013 under Order XXXIX Rule 2(A) of the Code of Civil Procedure, 1908 (for short “CPC”) is still pending before the learned Trial Court.

4. Considering the above timeline, I have impressed upon both learned Advocates to consider expeditious disposal of the Suit proceedings i.e. Regular Civil Suit No.175 of 2012 which is filed for injunction. However in view of submissions made by Mr. Bodake, all contentions of the Plaintiffs are expressly kept open, in the event if Plaintiffs desire to take out any further Application for amendment strictly but in accordance with law and only if permissible in law.

5. Learned Trial Court is directed to dispose of Misc. Application No.1 of 2013 filed under Order XXXIX Rule 2(A) of CPC in the Suit proceedings alongwith the Suit proceedings within a period of one year from today.

6. As observed above, order which is in operation i.e. order dated 12.12.2012 shall continue in the interregnum with a caveat that parties shall not violate the said order and/or put up any further construction on the Suit property.

7. It is noted that contention of Plaintiffs that construction of poultry and shed put up by Defendants is in breach of the embargo / injunction order is strongly refuted by the Defendants.

- 8.** It is clarified that, learned Trial Court shall not be influenced by any observations made in the Exhibit “5” order also the order in Misc. Civil Appeal No.93 of 2012 dated 26.06.2012.
- 9.** All contention of both parties / sides are expressly kept open.
- 10.** With the above directions, Writ Petition is disposed.
- 11.** In view of disposal of Writ Petition, pending Interim Application No.18240 of 2023 is accordingly disposed.

[MILIND N. JADHAV, J.]

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