

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6502 OF 2023

Ganpat Dhondiba Shinde (Deceased) through
legal heirs / representatives Rahul Ganpat
Shinde and Ors.

.. Petitioners

Versus

Rohidas Raghu Aswale and Ors.

.. Respondents

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- Mr. Indrajit Maqdam i./by Mr. Gaurav Nankar, Advocate for
Petitioners.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 06, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Mr. Maqdam, learned Advocate for Petitioner.
- 3.** Perused the praecipe dated 06.03.2024 and the Writ
Petition.
- 4.** In the suit for perpetual injunction order passed under
Exhibit-5 allowing temporary injunction is against Plaintiff. There are
two concurrent orders. The District Judge, Pune has also confirmed
and upheld the order passed by the Trial Court by judgment dated
04.11.2019 passed under Exhibit-17 in Miscellaneous Civil Appeal
No.388 of 2017.
- 5.** Order dated 04.11.2017 and judgment dated 04.11.2019
prima faice appear to be reasoned orders. I have expressed my mind

to the learned Advocate for Petitioner that I am not inclined to disturb the said orders. He would make one request in that event to expedite the suit. Hence, without delineating anything on merits of the matter considering that Regular Civil Suit is of the year 2017 it would be appropriate to direct the learned Trial Court to decide and adjudicate the Regular Civil Suit No.195 of 2017 finally and as expeditiously as possible and in any event preferably within a period of six months from today.

6. It is clarified that learned Trial Court shall not be influenced by any observations and findings returned in the aforesaid twin orders considering that these observations are *prima facie* in nature and the suit shall be determined strictly in accordance with the merits of the matter.

7. With the above directions, Writ Petition is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
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SAWANT

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