

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2990 OF 2024

Mohan Baban Bhalerao and Anr.

.. Petitioners

Versus

Smt. Sindhubai Baban Bhalerao (since deceased
through her legal representatives) Sudam Baban
Bhalerao and Ors.

.. Respondents

-
- Mr. H. D. Chavan a/w. Mr. S. S. Mohanty i./by T. D. Deshmukh,
Advocate for Petitioners.
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 05, 2024

P.C.:

- 1.** Heard Mr. Chavan, learned Advocate for Petitioners.
- 2.** Impugned order dated 12.09.2022 is passed by the learned Trial Court which is a common order in two specific applications filed by the Plaintiff and Defendant No.2 seeking temporary injunction against each other under Order XXXIX Rules 1 and 2 of the Civil Procedure Code, 1908 (for short '**CPC**'), it is settled law that learned Trial Court can pass an order of injunction against either parties until the determination of the suit proceedings. Original Suit is for partition.
- 3.** After having expressed my mind to the learned Advocate that I will not be inclined to disturb the impugned order dated 12.09.2022, he would submit that this Court may in that event atleast

pass an order to expedite the hearing of the Regular Civil Suit No.54 of 2013. That request made by learned Advocate is fair considering the timeline in the present case. While upholding and sustaining the impugned order dated 12.09.2022, the learned Trial Court is directed to determine and decide Regular Civil Suit No.54 of 2013 as expeditiously as possible and in any event preferably within a period of one year from today, leaving all contentions of the parties expressly open.

4. Learned Trial Court shall not be influenced by any of the observations and findings made in the impugned order as they are *prima facie* in nature and determine the suit proceedings strictly on merits and evidence.

5. With the above directions, Writ Petition is dismissed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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