



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 5944 of 2023

Ravindra S/o Radakishn Kasat and another

Versus

Gopal S/o Shantilalji Gandhi

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V.V.Sharma, Advocate for the petitioners.
Shri D.P.Mankar, Advocate h/f Shri R.S.Sirpurkar,
Advocate for the respondent.

CORAM : ANIL S. KILOR, J.

DATED : 8th MAY, 2024.

Heard.

2. This writ petition takes exception to the order dated 21st February, 2023 passed below Exhibit 5 by the learned District Judge-1, Akot, Dist. Akola, rejecting the application seeking temporary injunction in an appeal filed by the petitioners challenging the order below Exhibit 5 dated 6th July, 2022 passed by the learned Civil Judge, Senior Division, Akot restraining the defendant nos. 1 and 2/petitioners from creating third party interest.

3. It is evident from the record that temporary injunction granted in favour of plaintiff is in operation since 6th July, 2022 and after filing this writ petition no interim relief is granted in favour of the petitioners. So therefore, since last two years interim injunction is in operation against the petitioners. Moreover, the Miscellaneous Civil Appeal has by now come up for final disposal.

4. In the circumstances, any observation made by this Court on merit may influence the First Appellate Court while deciding the Miscellaneous Civil Appeal, which may further cause prejudice to either of the parties.

5. Accordingly, the writ petition is disposed of with a direction to the learned District Judge-1, Akot, District Akola to decide the Miscellaneous Civil Appeal No. 12 of 2022, within two months from the next fixed date.

[ANIL S. KILOR, J.]