



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

WRIT PETITION NO. 3557 OF 2022

(NAMDEO ANANDRAO HIWARKAR..VS.. DEVANAND AVADUJI GAVTE)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.R.Agrawal, Advocate for Petitioner.
Shri Rahul Tajne, Advocate for Respondent.

CORAM : ANIL S. KILOR, J.
DATED : JANUARY 17, 2024.

1. Heard.
2. The judgment and order dated 19/12/2020 passed by the Ad-hoc District Judge-2, Nagpur in Misc. Civil Appeal No.53 of 2020 allowing the appeal and thereby setting aside the order dated 10/01/2020 passed below Exh.5 granting injunction in favour of the plaintiff, is under challenge in this writ petition.
3. It is apparent on the face of the record that the impugned order was passed on 19/12/2020 and since then there is no interim relief or protection operating in favour of the petitioner as no such relief was granted in this writ petition.
4. By the time the suit has reached to the stage of recording of evidence and it is informed that one witness of the plaintiff has been examined.

5. In the circumstances, as there was no interim relief granted in this writ petition in favour of the petitioner and the suit is fixed for recording evidence, I am of the opinion that any observations on merit while deciding the present matter may cause prejudice to any of the parties or the trial Court may get influenced by such findings.

6. In that view of the matter, I am of the opinion that the purpose would be sub-served if the trial Court is directed to decide the matter in time bound manner.

7. Accordingly, the writ petition is **disposed of** with direction to the trial Court to decide the suit within nine months from the next fixed date.

8. The trial Court, while deciding the suit finally, shall not get influenced by any of the observations made in the impugned judgment and order dated 19/12/2020.

The Writ Petition is **disposed of** accordingly. No order as to costs.

JUDGE