



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 WRIT PETITION NO. 8171 OF 2023

Kamalbai Ganpati Bhalerao And Another

VERSUS

Mohammad Shamshoddin Shaikh

...

Mr. Pradeep B. Salunke, Advocate for the Petitioners.

CORAM : KISHORE C. SANT, J.

DATE : 15th JANUARY 2025

PC :-

1. The present writ petition is against the judgment and order dated 3rd December 2022 passed by the learned District Judge-4, Latur in Misc. Civil Appeal No.118 of 2022. The learned Joint Civil Judge Junior Division, Chakur had allowed the application below Exh.5 in RCS No.240 of 2021 dated 8th September 2022. The present petitioners/original defendants are restrained by order of injunction from obstructing and interfering with the peaceful possession of the plaintiff over the suit property pending the suit.

2. This Court finds that, there is *prima facie* finding recorded in favour of the plaintiff/respondent. Since the finding is *prima facie*

factual finding, this Court is not inclined to interfere with the said. There is one more reason that the relief is granted and is in operation since long, it would not be desirable to disturb the position pending the suit. In the interest of justice, the trial Court to decide the proceedings of RCS No.240 of 2021 as earlier as possible and by the end of 31st March 2026.

3. In view of the same, Writ Petition stands disposed off.
4. The trial Court to decide the RCS No.240 of 2021 as early as possible and by the end of 31st March 2026.
5. Pending civil applications, if any, stand disposed off.

[KISHORE C. SANT, J.]