

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10016 OF 2022

Kakasaheb Hariram Pawar And Others

VERSUS

Parmeshwar Manohar Pawar And Others

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Advocate for the Petitioners : Mr. A.A. Joshi h/f Mr. Natu Sharad V.

AGP for Respondent/State : Mr. V.S. Badakh

Advocate for Respondent Nos.1 to 3 : Mr Patil Hanmant V.

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 04, 2025

PER COURT :

1. Heard the respective counsels.
2. By way of present petition, the petitioners challenge the order dated 21.07.2022 passed below Exhibit-22 by the learned District Judge-2, Latur in M.C.A. No.67 of 2022, whereby the learned District Judge allowed the appeal filed by the original defendants. The learned Appellate Court set aside the order passed below Exhibit-5 by the learned Civil Judge, Senior Division. Clause (3) of operative order of the learned Appellate Court reads as under:

“3) The application Exh.5 is hereby allowed in following terms;

1) The defendants or anybody claiming through them are hereby restrained temporarily till disposal of suit from using any light motor vehicle and heavy vehicle from the disputed way as shown in the alleged consent deed.

II) The defendants are allowed to use the disputed way as shown in the consent deed as a path way with liberty to use two wheelers till disposal of suit.”

3. As per Clause (3) of the operative order, the defendants were allowed to use the disputed way as shown in the consent deed as a path way with liberty to use two wheelers till disposal of suit. This order is challenged in the present writ petition and this Court vide its order dated 24.11.2022 granted interim relief in terms of prayer clause ‘C’.

4. Both the counsels have submitted that now, the suit is pending for adjudication. As the interim relief is in operation since 24.11.2022, therefore, by maintaining the position pursuant to interim order passed by this Court, it is desirable to direct the Trial Court to decide the suit within a period of one year from today.

5. It is made clear that this Court has not recorded any finding on the merits of the matter and it is for the Trial Court to decide the same on its own merit without being influenced by the order passed by the District Court as well as by this Court. All points kept open.

6. In view thereof, the petition is disposed of.

(SIDDHESHWAR S. THOMBRE, J.)