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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 764 OF 2018

Shri Ashok Surendra Shirguppe
& Ors.

.. Petitioners

Versus

Shri Jawhar Tatyaso Kante & Ors.

.. Respondents

Mr. Tejpal S. Ingale for petitioners.

Ms. Kavita D. Vijapure i/by D. V. Sutar for respondents.

CORAM: ALOK ARADHE, CJ.

DATE: 29th JULY, 2025

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ORAL ORDER:

1. In this petition under Article 227 of the Constitution of India, the petitioners/plaintiffs have assailed the validity of the order dated 15th December, 2017 passed by the Lower Appellate Court by which the appeal preferred by the respondents under Order XLIII Rule 1(r) of the Civil Procedure Code, 1908 (CPC) has been dismissed and the the order dated 14th June, 2017 passed by the trial Court rejecting application for temporary injunction has been affirmed.

2. A Bench of this Court while entertaining the writ petition, had granted ad-interim order on 18th January, 2018, which has continued for past about more than seven years.

3. Learned counsel for the petitioners submits that in the civil suit, the cross-examination of the plaintiff is in progress

and all the witnesses of the petitioners/plaintiffs have been examined.

4. In the facts and circumstances of the case, instead of examining the validity of the order dated 15th December, 2017 and taking into account the fact that the ad-interim order granted by this Court on 18th January, 2018 has been continued for a period of more than seven years, I deem it appropriate to dispose of the writ petition with a direction to the trial court to make an endeavour to decide the suit within outer limit of six months. Till then, ad-interim order granted by this court on 18th January, 2018 shall continue to operate.

5. It is made clear that this Court has not expressed any opinion on merits of the matter.

6. Let a copy of this order be forwarded to the Trial Court forthwith.

(CHIEF JUSTICE)