

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1192 OF 2020

Ramdas Shankar Jadhav & Anr ..Petitioners
Versus
Vasant Bandu Pawar & Ors ...Respondents

WITH
INTERIM APPLICATION NO. 2754 OF 2020
IN
WRIT PETITION NO. 1192 OF 2020

Mr. Prabhanjan Gujar, for the Petitioner.
Mr. Parag Tilak, for Respondent Nos 1 to 3.

CORAM: N. J. JAMADAR, J.
DATED : 13th FEBRUARY 2025

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RAMCHANDRA
SANKPAL

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P.C.:

- 1.** Heard learned Counsel for the parties.
- 2.** The challenge in this Petition is to an order dated 13th January 2020 passed by the learned District Judge, Satara in Miscellaneous Civil Appeal No. 146 of 2019, whereby the Appeal preferred by Respondent Nos. 1 to 3 was allowed by setting aside the order of injunction passed by the Civil Judge in RCS No. 258 of 2019.
- 3.** The learned Civil Judge was persuaded to restrain the Respondents from causing obstruction to the Plaintiffs possession of the

land bearing Survey No. 130/1A admeasuring 80 R situated at Mouje Karanje, Satara (the suit land). By the impugned Order, the learned District Judge was persuaded to set aside the said order on the premise that there was discrepancy in the identity of the property which was acquired by the Petitioner-Plaintiff from his predecessor in title.

4. Evidently, the parties are not at issue over the purchase of the suit land by the Petitioner from his predecessor in title under a Registered Sale Deed dated 20th May 2006. It is also not in dispute that there was no dispute between the parties over the possession and cultivation of their respective lands till the year 2019. Disputes arose between the parties with regard to the exact situs of the 80R which was acquired by the Plaintiff.

5. The aforesaid being the nature of controversy, when the Petition was listed before this Court on 4th February 2020, this Court was persuaded to extend the order passed by the learned District Judge on 21st January 2020 extending the injunction granted by the trial court in RCS No. 258 of 2019. The said position obtains till date.

6. In the aforesaid view of the matter, as there is no dispute about the title of the Petitioner over the suit land and that the Petitioner had been in cultivation of the suit land since 2006 till the year 2019, uninterruptedly, at this stage, the Court does not find there was any justifiable reason for the learned District Judge to interfere with the

order passed by the trial court. Having regard to the nature of the controversy, it would be expedient in the interest of justice that the suit itself is decided in a time-frame.

7. Therefore, continuing the interim relief granted by this Court by aforesaid Order dated 4th February 2020, the Petition stands disposed.

8. The trial court is requested to hear and decide the suit as expeditiously as possible and, preferably, within a period of one year from the date of communication of this order.

9. The trial court shall decide the suit on its own merits, without being influenced by the order passed on the application for temporary injunction, the order passed by the appeal Court and this order.

10. The parties shall cooperate with the hearing and expeditious conclusion of the trial and, in particular, the Plaintiff shall not seek adjournment save and except in exceptionally unavoidable circumstances.

11. Petition disposed.

12. In view of disposal of the Petition, Interim Application stands disposed.

[N. J. JAMADAR, J.]