



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9048 OF 2022**

Divya Dilip Gawde ... Petitioner
versus
Kashinath Balaku Khot and Anr. ... Respondents

Mr. Abhijit B. Kadam with Mr. Ashish A. Chavan, for Petitioner.
Mr. Drupad S. Patil with Mr. Prasad Keluskar, for Respondent No.2.

CORAM: N.J.JAMADAR, J.

DATE : 10 FEBRUARY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to the judgment and order dated 31 August 2020 passed by the learned District Judge I, Gadhinglaj in Misc. Civil Appeal No.38 of 2019, whereby the learned District Judge dismissed the appeal preferred by the Petitioner-Defendant No.1 by affirming the order passed by the learned Civil Judge dated 12 June 2019, restraining the Defendant No.1 from causing obstruction to the cultivation of the suit land by the Plaintiff.
3. The learned Civil Judge as well as the learned District Judge have recorded prima facie findings that the Plaintiff has been in possession and cultivation of the suit land based on objective material. At this length of time, this Court does not find any propriety in interfering with the prima facie view recorded by the Courts below, in exercise of supervisory jurisdiction.

4. The Court is informed that the suit is ripe for hearing and evidence of the Plaintiff has been adduced.
5. In view of the matter, it may be expedient in the interest of justice to request the learned Trial Court to hear and decide the Suit as expeditiously as possible.
6. The Writ Petition, thus, stands dismissed with a request to the trial Court to hear and decide Special Civil Suit No.8 of 2018 as expeditiously as possible and preferably within a period of 9 months from the date of communication of this order.
7. The learned Trial Court shall not be influenced by any of the observations in the order passed by the Trial Court as well as the judgment and order of the learned District Judge in MCA No.38 of 2019.

(N.J.JAMADAR, J.)