

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11018 OF 2023**

Vijaykumar Ishwara Shinde

.....Petitioner

Vs.

Maruti Ramchandra Bhendavdekar & Ors.

.....Respondents

Mr. Shailesh Chavan with Mr. Vijaysinh More & Ms. Sampada Patil,
for the Petitioner

Mr. Prajakt M. Arjunwadkar with Mr. Dhananjay A. Utture, for the
Respondent No.1.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 8th DECEMBER 2025

PC.:-

1. Heard learned Advocates appearing for respective parties.
2. The Appellant/original defendant No.1 in Regular Civil Suit No.111 of 2021 pending before learned Joint Civil Judge, Junior Division, Kolhapur has impugned Judgment and Order passed by learned District Judge, Kolhapur in Miscellaneous Civil Appeal No.193 of 2021, whereby application Exhibit 5 filed by Respondent No.1/plaintiff is partly allowed and defendants are restrained from obstructing plaintiffs' possession over suit property and from alienating suit property till final decision of suit.

3. It appears that Respondent No.1/plaintiff instituted suit seeking a declaration that decree passed in Regular Civil Suit No.758 of 2012 and consequential sale deed is not binding upon rights of plaintiff and also sought injunction against defendants from obstructing plaintiff's possession over suit property. In said suit, plaintiff filed an application below Exhibit 5 seeking injunction against defendants. The trial Court partly allowed said application and restrained defendants from alienating or creating third party interest over suit property. However, relief of temporary injunction to restrain defendants from obstructing his possession was rejected.

4. The aggrieved plaintiff then filed Miscellaneous Civil Appeal before District Judge at Kolhapur, who modified order passed by trial Court and restrained defendants from causing obstruction to plaintiff's possession over suit property as well as from alienating suit property till final disposal of suit.

5. In present Writ Petition, this Court on 7th November 2023 issued notices to Respondents and stayed operation and implementation of order dated 7th November 2022 passed by Appellate Court.

6. The learned counsels appearing for respective parties have advanced submissions on merits and also pointed out that now suit is substantially progressed, evidence of plaintiff is already recorded and matter is at the stage of recording evidence of defendants.

7. In that view of matter, instead of delving into merits of contentions, it would be appropriate in interest of justice to direct expeditious disposal of suit and continue interim relief granted by this Court vide order dated 7th November 2023, without prejudice to contentions of parties on merits of matter.

8. In result, following order is passed:

ORDER

- i) The Writ Petition stands disposed of.
- ii) The trial Court shall expeditiously decide suit and in any case, before 30th April 2026.
- iii) Parties to cooperative for early disposal, without seeking unnecessary adjournments.

- iv) Till disposal of suit, interim order dated 7th November 2023 passed by this Court shall govern the proceeding.
- v) It is made clear that aforesaid order is passed without adjudicating contentions of parties on merits of matter and trial Court shall not be influenced by any observations or interim order passed by this Court in present Writ Petition.

(S. G. CHAPALGAONKAR, J.)

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