

Jvs.

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

WRIT PETITION NO. 2442 OF 2012

JAYANT
VISHWANATH
SALUNKE

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JAYANT VISHWANATH
SALUNKE
Date: 2025.07.16
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Suvarna Jagannath Karande	}	Petitioner
versus		
Bhagoji Suryapa Sisal & Ors.	}	Respondents

Ms.Sharaddha Pawar i/b. Mr. Nilesh Patil
for petitioner.

CORAM: ALOK ARADHE, CJ.

DATE: JULY 16, 2025

ORAL ORDER:

- 1.** None fo the respondent.
- 2.** In this petition under Article 227 of the Constitution of India, the petitioner has challenged the validity of the order dated 16th March 2011, by which the appeal preferred by the petitioner under Order XLIII Rule 1(r) of the Code of Civil Procedure, 1908 (CPC) has been allowed and the order dated 15th February 2010 passed by the Trail Court allowing the application for temporary injunction has been set aside.
- 3.** Facts giving rise to filing of the writ petition, briefly stated, are that the plaintiff had filed a suit seeking relief of partition and separate possession. Along with the plaint, the plaintiff filed an application seeking temporary injunction restraining the respondents from transferring the suit properties. The Trial Court, by an order dated 15th February 2010, granted injunction

and restrained the respondents from transferring the suit properties. Defendants 1 to 3, thereupon, preferred an appeal. The Appellate court, by an order dated 16th March 2011, has allowed the appeal and quashed and set aside the order of injunction dated 15th February 2010.

4. The suit is pending before the Trial Court since 2008. A Bench of this Court, while entertaining the writ petition, by an interim order dated 17th April 2012, had restrained the respondents from alienating the properties in question. The said order is in force for 13 years.

5. On 21st July 2025, the suit is fixed for recording of evidence of the defendants. Therefore, in the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with direction to the Trial Court to conclude the proceedings of the suit expeditiously, preferably within a period of six months from today. Till then, the interim relief granted vide order dated 17th April 2012 shall continue to operate.

6. Accordingly, the writ petition is disposed of.

(CHIEF JUSTICE)