

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4049 OF 2025

(Haridas Shyamrao Patil thr. Power of Attorney Nalini d/o Shamraoji Patil Vs.
Mangesh Ramkrushna Sathe)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Vivek Awchat, Advocate for Petitioner.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATE: 30th JULY, 2025.

1. Heard Advocate Mr. Vivek Awchat, learned counsel for the petitioner.

2. After arguing the petition for some time, in which the challenge is raised to the order dated 19.07.2024 passed by the learned trial Court in Regular Civil Suit No.112/2024, it was also pointed out that the said order is challenged vide Misc. Civil Appeal No.17/2024, which is pending before the Court of District Judge, Wardha. He submits that although by way of this petition the order passed by the learned trial Court on a temporary injunction application is challenged however, since the said order is subject matter of challenge before the District Court vide appeal under Order 43, Rule 1 of the Code of Civil Procedure, the petitioner is interested to prosecute the appeal. It is pointed out that the Misc. Civil Appeal was filed on 22.07.2024 and the appeal is ready for hearing in which paper-book is also filed. He, therefore, restricts his prayer

for direction for expediting the said appeal.

3. Considering the fact that the appeal filed by the petitioner challenging the order on temporary injunction application is pending since more one year, the same needs to be expedited. Accordingly, the petitioner is permitted to submit fresh application before the District Judge for seeking expeditious hearing of the appeal. In case such an application is submitted, the Appellate Court is requested to immediately pass orders regarding speedy disposal of the appeal. Considering the controversy involved, the Appellate Court is expected to endeavour to decide the appeal at the earliest.

(PRAFULLA S. KHUBALKAR, J.)