IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 8203 OF 2024

LUBNA KHANAM SHAIKH MUSHTAK THROUGH GPA HOLDER AHEMADALI SHAHAJADEMIYA SHAIKH AND ANOTHER
VERSUS
ABBASI BEGAM SAYYED KHAMAR MOHIYODDIN
...
Mr. V. S. Undre, Advocate for the Petitioners
Mr. S. A. Vaidya h/f. Mr. A. R. Vaidya, Advocate for Respondent
...

CORAM : AJIT B. KADETHANKAR, J.
DATED : 7th October 2026

P.C. :-

. In the suit filed by the present respondent bearing Regular Civil Suit No.582 of 2015 in the Court of the learned Civil Judge, Senior Division, Beed for declaration as to the title and for temporary injunction, the petitioners/defendants filed an application under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure to seek prohibitory orders against the plaintiff.

2. After hearing the parties, the Trial Court, vide order dated 01.02.2024 on an application below Exhibit 65 allowed the said application prohibiting the plaintiff from creating any

third party interest or encumbering the suit property in any manner till the disposal of the suit. The plaintiff carried the said order in Miscellaneous Appeal No.18 of 2024 before the learned District Judge, Beed.

3. After hearing the parties, vide order dated 12.07.2024, the learned Principal District Judge, Beed pleased to allow the appeal, and as a result, the injunction imposed by the Trial Court against the plaintiff came to be vacated. Feeling aggrieved thereby, the petitioners/defendants are before this Court.

4. After hearing both the parties, this Court while granting liberty to the respondent/plaintiff to file reply, if any, directed that the plaintiff shall not alienate the suit property or shall not create third party interest in the suit property. The interim relief is in continuation since its inception.

5. Today, when the matter is called out, Mr. S. A. Vaidya h/f. Mr. A. R. Vaidya, learned Advocate for the respondent/plaintiff would point out me the order dated 20.09.2016 passed by the learned 5th Joint Civil Judge, Junior Division, Beed thereby imposing temporary injunction against the present petitioners/defendants till the disposal of the suit.

Vide the said injunction order, the Trial Court restrained the defendants from creating any third party interest and also restrained from causing obstruction to the peaceful possession of the plaintiff over the suit property till the disposal of the suit.

6. It is not in dispute that the said injunction order is still in operation till today. Thus, it can be seen that both the parties are prohibited from creating third party interest in respect of the suit property. On the other hand, the petitioners are suffering one more injunction not to disturb peaceful possession of the plaintiff in the suit property. The suit is of the year 2021, and it is apprised that now the matter is listed for evidence.

7. In view of this, considering the age of both the injunction orders imposed on the respective parties, I deem it appropriate to dispose of the writ petition with a request to the Trial Court to conclude the hearing in a time-bound manner.

8. Considering that the injunction order issued by the Trial Court against the petitioners is not reversed at any point of time, as also the injunction order issued by this Court on

26.08.2024 is also not recalled by this Court. I deem it appropriate to pass following order :

ORDER

I. The Writ Petition is disposed of.

II. The Trial Court is requested to conclude the suit within a period of twelve months from today.

III. Both the parties candidly agree that they shall not seek any unnecessary adjournments and shall not protract the proceedings till the disposal of the suit besides the injunction imposed by the Trial Court against the present petitioners/defendants vide order dated 20.09.2016. No party shall create any third party interest in respect of the suit property.

(AJIT B. KADETHANKAR, J.)

PRW