



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4262 OF 2026

VISHWARAJ SINGH BABU SINGH TEHRA

VERSUS

PREMA PREMALATHA NARAYAN SINGH KHOT AND ORS

...
Mr. Suraj R. Bagal, Advocate for the Petitioner.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 21st APRIL, 2026.

P.C.:-

1. The present Writ Petition takes exception to order dated 24.02.2026 passed below Exhibit-251 by Civil Judge Senior Division, Nanded in Special Civil Suit No.67/2011, whereby petitioner's application under Order XXXIX Rule 4 of Code of Civil Procedure for modification of interim injunction order has been rejected.

2. The petitioner is defendant no.12 in Special Civil Suit No.67/2011. The suit is filed in respect of land Gut No.48. The plaintiff in suit is claiming her 1/10th share in suit property. The Trial Court granted interim injunction restricting defendants from creating third party interest over suit property. The said interim injunction order still subsists. In wake of subsistence of interim injunction order, petitioner filed an application for modification on ground that he required to pay his daughter's college fees and for that purpose needs to sell out part of suit property. The Trial Court observed that dispute between parties in suit is in respect of

property left by deceased Govindsingh Tehra. He died leaving behind three daughters and seven sons. The dispute regarding devolution of interest in property left by deceased Govindsingh is subject matter of suit. In wake of aforesaid dispute, petitioner cannot be permitted to sell out property only because he is in need of money for education purpose of his daughter.

3. *Prima facie*, this Court finds no fault in observations made by Trial Court. However, fact remains that Special Civil Suit No.67/2011 is pending before Trial Court for last 15 years and there is no substantial progress.

4. Mr. Bagal, learned Advocate appearing for petitioner submits on instruction that even issues are not framed.

5. In wake of factual backdrop, this Court finds it appropriate to direct Trial Court to expeditiously decide suit and in any case, within period of one year from date of this order.

6. Writ Petition stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE