

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7006 OF 2024

Mr. Sukhdeo Dattatraya Thorve. ...Petitioner.

Versus

Ganpat Deoram Bavale & Ors. ...Respondents.

Mr. Ajay Joshi a/w. Kirthika K., Advocate for the Petitioner.

Smt. S.S. Jadhav, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATE : 24th MARCH 2026

P.C.:

- 1.** Heard the learned Advocate for the Petitioner.
- 2.** The challenge in this Petition is to a Judgment and Order dated 9th August, 2023 passed by the learned District Judge, Khed – Rajgurunagar in Misc. Civil Appeal No. 21 of 2019, whereby the appeal preferred by the Petitioner against an order passed by the learned Civil Judge on 26th March, 2019, thereby rejecting the application preferred by the Petitioner, for grant of temporary injunction, came to be dismissed, by affirming the said order passed by the trial Court.

3. Having regard to the fact that the suit has been instituted in the year 2018, and there is no interim relief in operation since then, and the passage of time, at this juncture, there is no propriety in entertaining this Petition against the concurrent exercise of discretion by the courts below.

4. At this stage, Mr. Joshi, learned Advocate for the Petitioner, seeks a direction to the trial Court to hear and decide the suit expeditiously as the suit has been instituted for removal of encroachment and for restraining the defendant from committing further encroachment.

5. The Petition stands dismissed.

6. The learned Civil Judge seized with Special Civil Suit No. 242 of 2018 is requested to make an endeavour to hear and decide the suit as expeditiously as possible and, preferably, within a period of one year from the communication of this order on its own merits and in accordance with law, uninfluenced by the observations in the orders impugned in this Petition.

[N. J. JAMADAR, J.]