



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

WRIT PETITION NO. 432 OF 2024

Jalaloddin Julfoddin and others

Vs.

Vishal Shrikrishna Awate and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vipul B. Bhise, Advocate for petitioner.
Shri R. D. Karode, Advocate for respondent nos. 1 and 2.

CORAM :- M. W. CHANDWANI, J.

DATED :- 02.02.2026

Heard.

2. The petition challenges the order dated 02.11.2023 passed by the District Judge-2, Akola in MCA No. 79/2023 confirming the order dated 29.09.2023 passed by CJJD, Patur in RCS No. 33/2023 allowing the application filed by the original plaintiffs/present respondents under Order 39, Rule 1 and 2 of the Code of Civil Procedure (for short, "CPC") for temporary injunction.

3. The petitioners herein are original defendants in the suit filed by the respondents/plaintiffs. Alongwith the suit, an application for temporary injunction came to be moved by the plaintiffs/ respondents to restrain the petitioners/defendants from disturbing the peaceful possession of the plaintiffs/respondents.

4. The Trial Court by order dated 29.09.2023 granted injunction in favour of the respondents/original plaintiffs restraining the petitioners/original defendants from causing obstruction to the peaceful possession of the respondents/original plaintiffs over the suit property till disposal of the suit. An unsuccessful attempt was made by the petitioners/original defendants before the First Appellate Court.

5. Since, there are concurrent findings of two Courts granting injunction in favour of the respondents and there is nothing on record to suggest that discretion has not be judicially exercised. No perversity is found in the order impugned. I find that there is no merit in the petition.

6. Accordingly, the petition is dismissed.

7. At this juncture, the learned counsel for the petitioners submits that if a direction regarding expeditious disposal of the suit is issued to the Trial Court then their grievance will be redressed.

8. Considering the fact that the suit is for simplicitor permanent injunction, the Trial Court shall decide the suit as expeditiously as possible preferably within a period of one year from the date of receipt of this order.

(M. W. CHANDWANI, J.)