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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2276 OF 2015

Laxman Marotirao Mitakari

PETITIONER

VERSUS

Mohmad Yusuf Nizam @ Yakumbinya Deshmukh
and Others

RESPONDENTS

.....

Mr. S. C. Bhosle, Advocate for the petitioner

Mrs. A. N. Ansari, Advocate for respondents No.1 to 3

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 28th APRIL, 2015

ORDER :

1. Learned advocates for the appearing parties, after arguing the matter for quite some time, resiled to a situation that disposal of the appeal would subserve the ends of justice.

2. The suit was filed in the year 2002 and had been dismissed in 2014 and an appeal, at the instance of plaintiffs is pending before the appellate court. There is no dispute about that during pendency of the suit, present petitioner was restrained from creating any third party interest or dealing with or alienating the suit property. Under the impugned order, the same is continued.

3. Learned advocate for the petitioner refers to various aspects and states that an urgency has cropped up, as situation

presses the petitioner hard to deal with the suit property, as he is in dire need of money.

4. Since the subject matter is pending before the appellate court, I do not think it would be prudent to interfere with the order, which had been operating all along. However, the situation can be resolved by directing the appellate court to dispose of the appeal as expeditiously as possible. Parties agree to such a direction to the appellate court.

5. In view of urgency, as has been expressed, I deem it appropriate that Regular Civil Appeal No. 30 of 2014 pending before Additional District Judge, Ahmedpur be taken up, decided and disposed of as early as possible, preferably within a period of six months from the date of receipt of writ of this order.

6. In view of aforesaid, the appellants shall do all the requisites necessary for final disposal of the appeal, including preparation of paper book, within a period of two months from the date of receipt of writ of this order.

7. With aforesaid directions, writ petition stands disposed of.

[SUNIL P. DESHMUKH, J.]