

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 5361 OF 2015

Barikrao s/o Nivrutti Bhavle and anr. .. Petitioners

versus

Baburao s/o Nivrutti Bhavle and ors. .. Respondents

Mr. Suhas R. Shirsat, Advocate for petitioners

Mr. H. K. Tungar, Advocate for respondent no. 2

CORAM : SUNIL P. DESHMUKH, J.
14TH OCTOBER, 2015

ORDER:

1. After hearing learned counsel for the parties, they resile to a situation wherein appeal before the appellate court itself can be decided on merits in stead of adjudication on merits upon impugned order 13-04-2015, for, during pendency of suit, interim relief had all along been operating.

2. In view of the same, without going into rival contentions and the impugned order challenged in writ petition, the appellate court is directed to decide the main appeal itself i.e. regular civil appeal no. 66 of 2015 as early as possible

preferably within a period of six months from the date of receipt of writ of this order. It is for the respondents herein – appellants before the appellate court to take up all the measures to make the appeal ready in all respect. In case appeal is not disposed of during aforesaid period, it would be open for the petitioners herein to make appropriate application.

3. With aforesaid, writ petition stands disposed of.

SUNIL P. DESHMUKH, J.

pnd