

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5628 OF 2010
WITH
CIVIL APPLICATION NO.219 OF 2015

LAXMIBAI @ SARUBAI BABURAO WAKADE
THROUGH GPA DEEPAK BABURAO WAKADE

PETITIONER

VERSUS

THE SARPANCH, GRAM PANCHAYAT JAFRABAD,
JALNA AND OTHERS

RESPONDENTS

Mr.R.S.Deshmukh, Advocate for the petitioner.
Mr.A.S.Osmanpurkar, Advocate for respondent No.3.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 16/01/2015

PER COURT :

1. With the consent of the parties, the writ petition itself is heard alongwith the civil application.
2. An order below Exh.5 under Order 39 Rule 1 of the CPC was challenged in a Misc.Civil Appeal No.14/2010. The Appeal Court has not entertained the appeal of the petitioner and has dismissed the appeal vide the impugned judgment dated 13/04/2010. Needless to state, the petitioner is without any protection ever since the institution of RCS No.106/2009, which is still pending hearing before the Trial Court.

3. It is stated that the stage in the suit is for recording of evidence of the plaintiff. This Court has granted status-quo by way of interim protection to the petitioner by order dated 06/07/2010 while admitting this petition.

4. Having considered the petition with the assistance of the learned Advocates for the respective sides, I am of the view that this petition need not be kept pending in this Court, more so in light of the fact that the petitions instituted from 1989 onwards are being listed for final hearing and are being taken up by this Court on every Thursday.

5. Ends of justice would be met by directing the parties to maintain status-quo in terms of the order passed by this Court on 06/07/2010 and by expediting RCS No.106/2009.

6. In the light of the above, the writ petition is disposed of with the direction that the ad-interim protection granted to the petitioner shall continue till disposal of RCS No.106/2009. Litigating parties have assured this Court that they would fully co-operate with the Trial Court in the expeditious disposal of the said suit.

7. As such, RCS No.106/2009 shall be decided by the Trial Court, as expeditiously as possible and preferably on or before 23/12/2015.

8. Needless to state, since the Trial Court will be deciding the suit on its own merits, it shall not be influenced by any observations made by the Appeal Court or this Court.

9. In view of this order, civil application is also disposed of.

(RAVINDRA V. GHUGE, J.)