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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5893 OF 2015

1. Kalyan s/o Ganpat Pisal PETITIONERS
Age-48 years, Occ - Agri and Lawyer

2. Sampat s/o Jagannath Pisal,
Age-49 years, Occ - Agril

3. Ashok s/o Trimbak Pisal
Age-46 years, Occ - Agril

All R/o Handi - Nimgaon,
Taluka - Newasa, District - Ahmednagar

VERSUS

1. Sunil s/o Appasaheb Wagh RESPONDENTS
Age-31 years, Occ - Agril

2. Nitin Laxman Badhe,
Age-31 years, Occ - Agril.

Both R/o Sonai, Taluka-Newasa,
District - Ahmednagar

3. Sham s/o Appasaheb Yelwande,
Age-33 years, Occ - Agril
R/o Hanumanwadi, Sonai,
Taluka - Newasa, District - Ahmednagar

4. Sadashiv Janardhan Bhange
Age-38 years, Occ - Agril
R/o Bhanashiwara, Taluka-Newasa
District - Ahmednagar

5. Shri. Sant Nagebaba Urban Credit Society Ltd.,
Through its Secretary,
Shri. Balasaheb Revannath Tikkal,
Age-32 years, Occ-Service
R/o Pachegaon, Taluka-Newasa
District - Ahmednagar

6.	The District Collector, Ahmednagar	DELETED
7.	The Tahsildar Newasa	DELETED
8.	The Circle Officer, Newasa	DELETED
9.	The Talathi Handinimgaon, Tq-Newasa	DELETED
10.	Madhukar Madhav Gosavi	DELETED
11.	Suresh Madhav Gosavi	DELETED
12.	Lilawati Devidas Puranik	DELETED
13.	Ashok Vitthal Kulkarni	DELETED
14.	Sunil Vitthal Kulkarni	DELETED
15.	Jayshree Vijaykumar Joshi	DELETED
16.	Mohini Sanjay Lavar	DELETED
17.	Prabhavati Shashikant Garbhe	DELETED
18.	Balasaheb Maruti Wable	DELETED
19.	Suryakant Uddhav Mokashi	DELETED
20.	Santosh Kachardas Chordiya	DELETED

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Mr. Rahul R. Karpe, Advocate for the petitioners
Mr. V. D. Sapkal, Advocate for respondents No.1 to 5
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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 17th JUNE, 2015

ORAL JUDGMENT :

1. Learned advocate for the petitioners submits on instructions that respondents No. 6 to 20 are not contesting

parties and as such, seeks leave to delete their names from the array of respondents. Leave granted. Names of respondents No. 6 to 20 stand deleted from the array of respondents, at the risk and peril of the petitioners.

2. Rule. Rule made returnable and heard learned advocates for the contesting parties finally at the stage of admission.

3. The petitioners have moved civil court seeking injunction and declaration in respect of sale deeds to be void and not binding on them. Along with said suit, an application for temporary injunction had been moved. The court had issued show cause notice in the application for temporary injunction, returnable on 13th March, 2015. Pursuant to the notice, defendants No. 6 to 20, though served, did not put in appearance on their behalf in the matter. As such, the matter was ordered to proceed *ex parte* against them on 13th March, 2015. Subsequently, the petitioners filed an application at Exhibit-42 moving the court for injunction against said defendants and the court granted application under order dated 17th March, 2015. Said order formed subject matter of Miscellaneous Civil Appeal No.4 of 2015 at the instance of defendants. The court under its order dated 29th April, 2015 had

set aside order dated 17th March, 2015 and directed the trial court to hear Exhibit-5 - application for temporary injunction expeditiously. After Miscellaneous Civil Appeal was allowed, the petitioners appear to have moved an application at Exhibit-13 in said proceedings and the court, upon said request passed an order on 30th April, 2015 and directed that operation of decision dated 29th April, 2015 shall remain stayed till 15th June, 2015, and further directed the parties to maintain status quo.

4. I do not see any purpose in going on with the matter on merits, for, the appellate court has already directed the trial court to decide Exhibit-5 application expeditiously and since resile to that it would be expedient and in the interest of justice that application Exhibit-5 is decided expeditiously. Under the circumstances, order dated 30th April, 2015 passed by appellate court shall continue to operate till disposal of application Exhibit-5.

5. Writ petition, as such, stands disposed of. Rule is made absolute in aforesaid terms. In no event this order shall be deemed to be an order on merits on Exhibit-5.

[SUNIL P. DESHMUKH, J.]