

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

WRIT PETITION NO. 6863 OF 2015

Kishorilal s/o Gobindram Gunwani Petitioner
vs
Hiralal s/o Tulshiram Madhekar and ors. Respondents

Mr. Pradeep N. Sonpethkar, Advocate for petitioner
Mr. S.R. Deshpande, Advocate for respondents no. 1 to 3

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

ORDER:

1. After hearing learned counsel for parties, parties resile to the situation whereunder they deem it expedient that the appeal before the district court itself be decided within a period of fifteen days.
2. Looking at that the objection with reference to rule 97 of Order XXI of the Code of Civil Procedure, 1908 has been raised by the petitioner and the appeal is pending, interim relief application in the appeal has been rejected.
3. Mr. Deshpande, learned counsel for respondents no. 1 to 3 submits that the petitioner has absolutely no case and that can be made out from the orders passed by the executing as well as appellate court.
4. Learned counsel for the petitioner contends that having regard to the intendment underlying the provisions, particularly

rules 100 and 101 of Order XXI of the C.P.C. and to the controversy being raised, it would be appropriate to decide the appeal itself. He undertakes to supply necessary paperbook within a period of one weeks from today.

5. I, therefore, deem it appropriate that present situation with regard to possession be maintained for a period of fifteen days from the date of receipt of writ of this order. Petitioner to prepare paperbook within a period of one week and furnish copies of the same to other side and the appellate court to decide the appeal and application within a period of fortnight thereafter. The court may also act on authenticated copy of this order furnished by the parties. Parties to appear before the appellate court on Monday, the 20th July, 2015.

6. With directions as aforesaid, writ petition stands disposed of.

SUNIL P. DESHMUKH, J.

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