

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPEAL FROM ORDER NO. 116 OF 2014

WITH

C.A. NO. 12861/2014 IN APPEAL FROM ORDER NO. 116/2014
(Ranvir Shadilal Mehra and another Vs. Sudhir Shadilal Mehra)

Mr. Devdatta P. Palodkar, Advocate for the
appellants/applicants

Mr. L.D. Vakil, Advocate for the respondent

CORAM : M.T. JOSHI, J.

DATE : 25/03/2015

ORAL ORDER :

1. Heard both sides.
2. Aggrieved by the clamping of temporary injunction during the pendency of the appeal filed by the present respondent in the District Court, the present appeal is filed by the original plaintiffs (respondents before the District Court).
3. The reading of the entire material would show that present appellants/plaintiffs are claiming title over the suit property on the basis of a registered sale-deed. The respondent came with a case that there was a family settlement. The reading of the papers on

record would further show that the material in this respect was not placed at the time of decision in the suit though certain copies of the documents are claimed to have been filed at the time of hearing of the application for grant of temporary injunction in the trial court.

4. Taking into consideration all these facts and the fact that a limited issue before the learned District Judge would be regarding the remand of the case, in my view, there is no need to go into merit of the case. Hence, the following order:-

5. The appeal is hereby dismissed without any order as to costs. The learned District Judge, Aurangabad is, however, directed to hear the Regular Civil Appeal No. 146/2014 within a period of four months from the date of this order.

6. In case the regular civil appeal No. 146/2014 is not decided within a period of four months, the present appellants/plaintiffs would be at liberty to apply before the lower appellate court for modification

of the impugned order dated 16.09.2014 passed by the learned District Judge below Exhibit-5 in R.C.A. No. 146/2014. The parties are directed to maintain status quo as regards the revenue record till then.

7. In view of disposal of the Appeal from Order, Civil Application No. 12861/2014 does not survive and hence stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

npj/ao116-2014