

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10752 OF 2015

BABAN S/O SHIVAJI SATHE
AND OTHERS

PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

RESPONDENTS

Mr.P.R.Patil, Advocate for the petitioners.
Mr.S.J.Salgare, AGP for respondent Nos.1 and 2.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 29/10/2015

PER COURT :

1. The petitioner is aggrieved by the order below Exh.5 dated 28/08/2015 passed by the Trial Court in RCS No.7/2015 by which the application preferred by the petitioners/plaintiffs seeking injunction under Order 39 Rule 1, has been rejected.

2. The petitioner is also aggrieved by the order dated 22/09/2015 passed by the Appellate Authority by which application Exh.5 and 30 in Misc.Civil Appeal No.14/2014 has been rejected.

3. I have heard the learned Advocate for the petitioners for quite some time.

4. This petition assails interlocutory orders. MCA No.14/2015 is pending hearing. Ends of justice would be met by directing the Appeal Court to decide the pending proceedings as expeditiously as possible and within a time frame.

5. In the light of the above, this petition is disposed of by observing that the Appeal Court shall decide MCA No.14/2015 as expeditiously as possible and preferably on or before 15/12/2015. The petitioner shall refrain from seeking an adjournment.

6. The petitioners have submitted that they are willing to accept compensation with regard to the suit property. The respondent/State authorities may consider the said request, in as much as the petitioners may canvass this point before the Appeal Court and even before the Trial Court. Needles to state, the observations of the Trial Court in its order dated 28/08/2015 below Exh.5 and the observations of the Appeal Court in order dated 22/09/2015 below Exh.5 in MCA No.14/2015 are observations made at an interim stage and the same shall not influence the Appeal Court as well as the Trial Court while deciding the proceedings before the said Courts.

(RAVINDRA V. GHUGE, J.)