

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

WRIT PETITION NO. 11692 OF 2014

Manisha Uttamchand Gelda ... Petitioner

Versus

Sushila Vishnudas Pokarna
& another ... Respondents

.....
Mr. S.S. Rathi, Advocate for petitioner

.....

CORAM : RAVINDRA V. GHUGE

DATED : 13th JANUARY , 2015

PER COURT :

1. Having heard the learned Advocate for the petitioner for quite some and having considered the impugned judgment and order dated 28-08-2014 delivered by the District Judge-II, Latur in M.C.A. No. 67 of 2013, I am inclined to direct the Trial Court to decide the R.C.S. No. 805 of 2012 expeditiously.

2. The issue involved is of demolition of a structure of the plaintiff. It has weighed on the mind of the Appeal Court that permitting the demolition of the said wall at an interlocutory stage is likely to cause an irreparable harm as the suit is yet to be decided.

3. In the light of the above, ends of justice would be met by expediting the suit pending before the Trial Court.

4. The Trial Court is directed to decide R.C.S. No. 805/2012 as expeditiously as possible and preferably on or before 30-11-2015. The litigating parties shall cooperate with the Trial Court and shall refrain from seeking adjournments on frivolous or unreasonable grounds.

5. All the issues and contentions are kept open. The Trial Court should decide the suit in accordance with law and on its own merits.

(**RAVINDRA V. GHUGE, J.**)