

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

WRIT PETITION NO. 4144 OF 2012

SHANKARSINGH GOPALSINGH GADIWALE
VERSUS
GOVIND KERBAJI CHATORIKAR AND OTHERS

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Advocate for Petitioner : Mr. V.S. Badakh.

Advocate for Respondent No.1 : Mr.R.N.Chavan, Adv. h/f Mr.S.V.Kurundkar.

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CORAM : **N. W. SAMBRE, J.**

DATE : 01st April, 2015.

Per Court:

1 The present Petitioner – Defendant in Regular Civil Suit No.588 of 2000, suffered a decree for injunction on 23rd August, 2011, against which, Regular Civil Appeal No.102 of 2011, is pending on the file of learned Principal District Judge, Nanded.

2 During the pendency of the appeal, a prayer for stay moved vide Exhibit – 8 came to be rejected by an order dated 28th September, 2011. As such, present petition.

3 After hearing the parties, it is noticed that since 23rd August, 2011 i.e. after the suit came to be decreed, the injunction is operating against the Petitioner for almost four years and there was no stay to the judgment and decree passed by the trial Court.

4 In view of the above, it will not be appropriate to interfere in the

order of rejection of prayer for stay passed by the learned lower Appellate Court.

5 In the facts and circumstances, it will be appropriate that hearing of Regular Civil Appeal No.102 of 2011, pending on the file of learned Principal District Judge, Nanded, is expedited. Counsel undertake to cooperate with the Court for deciding the appeal, expeditiously, which be decided within a period of six months from the date of communication of this order.

6 Accordingly, the writ petition stands disposed of.

[N. W. SAMBRE, J.]

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