

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11982 OF 2014

SHRIKISAN HIRALAL BAHETI
VERSUS
SHRINIWAS SHRIKISAN BAHETI

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Advocate for Petitioner : Shri Tungar Hrishikesh V
Advocate for Respondent : Shri Munde S.V.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 04, 2015
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PER COURT :-

1. I have heard the learned Advocates for the respective parties, for quite some time. After considering their submissions and the order, which I propose to pass, I am not adverting to their entire contentions, while passing this order.

2. RCS No.230 of 2013, filed by the respondent against the petitioner is pending adjudication before the trial Court and is at the stage of commencing the recording of oral evidence. By order dated 24.3.2014, application Exhibit 5, preferred by the respondent for seeking temporary injunction under Order XXXIX Rule 1 of the CPC, has been rejected. Misc. Civil Appeal No.28 of 2014 has been filed by the respondent and the same is pending.

3. By way of an interim order, the appeal Court, has allowed application Exhibit 19 on 8.11.2013, which is impugned in this petition.

Both the parties jointly submit that the suit property has already been sold and the successors in title (subsequent purchasers) have been arrayed as defendants before the trial Court.

4. The litigating sides are before this Court on an interlocutory order. During the course of their submissions, both are agreeable to maintain status quo as existing today, if the appeal is directed to be heard within a time frame.

5. In the light of the above, this petition is disposed off by directing the litigating sides to maintain status quo as regards the suit property as existing today. The appeal Court shall decide MCA No.28 of 2014, as expeditiously as possible and preferably on/or before the 4.7.2015.

6. In the light of the above direction, the application preferred by the respondent under Order XXXIX Rule 2A of the CPC shall be considered along with the appeal.

7. No costs.

(RAVINDRA V. GHUGE, J.)

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