

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.473 OF 2015

KESHAV MARUTI GADEKAR AND OTHERS

PETITIONERS

VERSUS

MAHADU JANKU GADEKAR AND ANOTHER

RESPONDENTS

Mr.D.P.Palodkar, Advocate for the petitioners.

Mr.V.Y.Bide, Advocate for respondents.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 27/01/2015

PER COURT :

1. An order granting injunction below Exh.5 dated 27/06/2014 in RCS No.958/2013 was assailed by the petitioners/original defendants in Misc.Civil Appeal No.9/2014. By judgment dated 18/12/2014, the appeal has been dismissed. The petitioner contends that they are in possession of the suit property. Concurrent conclusions prima-facie drawn by the Trial Court as well as the Appeal Court indicate that the plaintiffs are in possession.

2. Merely because a second view is possible, would not mean that the concurrent findings at an interlocutory stage could be interfered with.

3. Learned Advocate for the petitioners submits that status-quo, as existing today, with regard to the suit property, would be maintained so as to enable the Trial Court to proceed with the suit pending before it. Learned Advocate appearing on behalf of both the respondents does not object to maintaining status-quo existing today.

4. Ends of justice would be met by directing the parties to maintain their statement made in the above paragraph till the decision of the proceedings before the Trial Court.

5. With these observations, the petition is disposed of.

(RAVINDRA V. GHUGE, J.)