

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 6568 OF 2015

Office Notes, Office Memorandum of Coram, Appearances, Court's or orders directions and Registrar's orders.	Court's or Judge's
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Ms. Madhavi Tavanandi for
Petitioner.

Mr. A. R. Metkari AGP for
Respondent No. 1.

CORAM : M.S. SONAK, J.

DATE : SEPTEMBER 14, 2015

P.C.:

1] Not on board. Upon
production, taken on board.

2] Heard the learned
counsel for the petitioner.
This petition challenges the
order dated 23.02.2015 whereby
the SDO has made a status-quo
order pending the hearing and
final disposal of the appeal.

3] The learned counsel for the
petitioner submits that the
issue which is raised before the
appellate authority is one which
is already decided by this
Court.

4] Further, the learned

Counsel for the petitioner states that on the basis of such status-quo order, the appellant before the Sub-Divisional Officer may proceed to dispose of the suit property.

5] Considering that the impugned order is only an interim order which is to operate during the pendency of the appeal, there is no reason to exercise extra-ordinary jurisdiction under Article 227 of the Constitution of India. If the matter is already covered by the decision of this Court in Writ Petition No. 3486/2014 and Writ Petition No. 72/2014, as stated by the learned counsel for the petitioner, then it is for the petitioner to point out this aspect before the appellate authority, at the stage of final hearing of the appeal.

6] There is really no basis for the apprehensions exercised by the petitioner that on the basis of the interim

order, the appellant before the Sub-Divisional Officer may proceed to dispose of the suit property and create any third party rights therein. The status-quo order, would equally apply to both the appellant as well as the respondent before the Sub-Divisional Officer. In any case, this aspect is hereby clarified. This Court has not gone into the merits of the matter and therefore, all contentions of all parties are kept open.

7] The appeal Court is requested to dispose of the appeal as, expeditiously as possible and in any case within a period of 6 months from the date of production of authenticated copy of this order.

8] Parties to act on the basis of authenticated copy of this order.

(M.S. SONAK, J.)

CERTIFICATE

**Certified to be true and correct copy of the
original signed Judgment/Order.**