IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6985 OF 2008

Mr. Sabaji Keshao Gaonkar (Deceased)]
by heirs Mrs. Draupadi Sabaji Gaonkar & Ors.] … Petitioners

Versus

Mr. Dattatraya Ganpat Gaonkar and Ors.] … Respondents

Mr. Sukhman Rait i/b Mr. S. S. Patwardhan for Petitioners.
Mr. Madhav Jamdar for Respondent Nos.1 and 2.

CORAM :- M. S. SONAK, J.
DATE :- MAY 07, 2015

P. C. :-

1. This petition challenges orders dated 15/06/2007 and 01/07/2008 in the matter of interim relief made by the trial and the Appeal Court respectively.

2. This Court, by its order dated 25/08/2009, whilst issuing Rule, made the following order :-

> "1. *Heard learned counsel for the parties. Rule. The Advocate for respondent Nos.1 and 2 waives service. On 14th October 2008 this court has granted ad-interim relief directing the parties to maintain status quo. It is obvious that the status quo relates to the possession in terms of the*

> *Commissioner's report in Exh.84. The said ad-interim order will continue to operate till the disposal of the suit or disposal of the petition, whichever is earlier.*
>
> *2. The pendency of this petition will not prevent the trial court from hearing of the suit and the trial court will proceed with the hearing of the suit. The pending revision application before the Maharashtra Revenue Tribunal will be decided on its own merits without being influenced by the ad-interim order passed by this Court.*"

3. Considering that the suit, wherein the impugned orders came to be made was of the year 1994 i.e. Regular Civil Suit No.37 of 1994, it is possible that the same has been already disposed of. In that case, this petition shall be rendered infructuous.

4. In any case, even assuming that the suit is pending, there is no reason to disturb the interim arrangement which was to operate by virtue of the aforesaid order dated 25/08/2009, during the pendency of the suit.

5. Accordingly, the present petition is disposed of by observing that the interim arrangement directed by the order dated 25/08/2009 shall operate during the pendency of the suit, in case the suit is not already disposed of.

6. Rule is accordingly disposed of in the aforesaid terms. There shall be no order as to costs.

7. In case the suit is not already disposed of, the learned trial Judge is directed to dispose of the same as expeditiously as possible and in any case, within a period of one year from today.

8. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)