

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1538 OF 2014

IN

SECOND APPEAL NO.800 OF 2007

MARUTI SHAMRAO BABAR & ANR.)...APPLICANTS

V/s.

LAXMAN PANDURANG BABAR & ANR.)...RESPONDENTS

Mr.Ajay Joshi, Advocate for the Applicants.

Mr.Prabhakar Jadhav, Advocate for the Respondents.

Coram: Smt.R.P.SondurBaldota, J.

Date : 5th January, 2015.

P.C. :

1 By the interim order dated 1st April, 2008, the parties to the appeal were directed to maintain status-quo in respect of the possession of suit property. Both the parties claim to be in physical possession of the suit property. Mr.Joshi, the learned advocate for the applicants original respondents submits that

because the original appellants attempted to disturb possession of the applicants of the suit property, they have filed a suit being Regular Civil Suit No.17 of 2009 in the court of Civil Judge, Junior Division, Mangalwedha, and that, the trial court is unwilling to pass any orders pertaining to the possession of the suit property, in view of the order dated 1st April, 2008. Therefore, by the present civil application, the applicants seek to restrain the original appellants from interfering with possession of the applicants in respect of the suit property, and in the alternative, a direction to the trial court to decide Regular Civil Suit No.17 of 2009 on its own merit without being influenced by the order of status-quo granted by this court.

2 Both the reliefs sought in the civil application cannot be granted. The relief in terms of Prayer clause (a) would amount to reconsideration of an application for interim reliefs and grant of Prayer clause (b) would amount to permitting the trial court to ignore the interim order passed by this court. On realisation of this peculiar situation, Mr.Joshi makes an oral request for

expeditious hearing of the second appeal. Mr.Jadhav appearing for the original appellants, does not oppose the application. Hence, the civil application is disposed off with a direction for expeditious hearing of the second appeal. Office to place the second appeal on board for “Final hearing” in due course as an “Expedited Second Appeal.”

(Smt.R.P.SondurBaldota, J.)