

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1517 OF 2007

Ramchandra Rajaram Mane and ors. : Petitioners.

Versus

Sou. Nirmala Balasaheb Deshmukh and anr. : Respondents.

Mr. K V Saste for the Petitioners

Mr. K B Sonwalkar for the Respondents.

CORAM : R. M. SAVANT, J.

DATE : 06th October 2015

P.C.

1 The above Petition has been restored to file by virtue of the order passed today in Civil Application No.1682 of 2015. The learned counsel for the parties i.e. Shri K V Saste for the Petitioners and Shri K B Sonwalkar for the Respondents are agreeable to the Petition itself being heard. Hence by consent of the learned counsel for the parties the above Petition is taken up for hearing.

2 The order dated 02/02/2007 passed by the District Judge-1, Malshiras is taken exception to by way of the above Petition. By the said order Misc. Civil Appeal being No.35 of 2005 filed by the Petitioners came to be dismissed and resultantly the order dated 18/08/2005 passed by the learned 2nd Joint Civil Judge, Junior Division, Malshiras granting temporary injunction to the Plaintiffs came to be confirmed.

3 The above Petition was admitted on 13/06/2007 and the rule on

interim relief was made returnable and the order of status quo granted by the Lower Appellate Court during pendency of the said Civil Misc. Appeal No.35/2005 was directed to continue to operate as an ad interim relief. The said order dated 13/06/2007 granting ad-interim relief came to be confirmed by a learned Single Judge of this Court by the order dated 21/07/2008 and the said order was to operate pending the hearing and final disposal of the writ petition. The said order is accordingly continuing till this day.

4 The learned counsel appearing for the parties are agreeable to the said order continuing pending the suit and the only indulgence they are seeking is that the suit be directed to be disposed of within a particular time frame. Hence the following directions :-

- A] The order dated 13/06/2007 passed in the above Petition as confirmed by the order dated 21/07/2008 (referred to herein above) would operate pending the hearing and final disposal of the suit in question being Regular Civil Suit No.238 of 2005.
- B] Since the suit is of the year 2005 and considering the subject matter of the suit, the same is directed to be heard and decided by the Trial Court latest by 31/05/2016.

- C] The parties would appear before the Trial Court on 19/10/2015 with a copy of this order.
- D] The Trial Court would thereafter proceed with the suit in accordance with law by giving proper opportunity to the parties.
- E] The Rule in the above Writ Petition to accordingly stand disposed of in terms of the above.
- F] The parties to act upon an ordinary copy of the instant order duly authenticated by the Court Associate/Sheristedar.

[R.M.SAVANT, J]

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