

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3735 OF 2014

Jayant M. Petkar .. Petitioner
vs.
Jamanlal E. Gujarathi (since deceased)
and ors. .. Respondents

Mr. Swapnil Mhatre i/b S.S. Kulkarni for the Petitioner.
Mr. Milind M. Sathaye for Respondent Nos. 3 to 5.

CORAM : M. S. SONAK, J.
DATE : 8 May, 2015.

P.C. :-

1] Rule. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith.

2] This petition is directed against the order dated 12 December 2013, by which the learned District Judge Niphad, District Nashik has rejected the '*interim reliefs*' pending the Civil Appeal No. 13 of 2012. This Civil Appeal questions the judgment and decree dated 3 December 2011 in Special Civil Suit No. 108 of 2010, by which a mandatory injunction has been granted against the petitioner.

3] This Court, by its order dated 21 August 2014, whilst putting the parties to notice that the petition would be disposed of finally, at the stage of admission, had directed the parties to maintain *status quo* as on the said date. The said *status quo* order continues till date.

4] In the aforesaid circumstances, rather than adverting to the merits of the matter, this petition can be disposed of by issuing

directions to the learned District Judge, Niphad to dispose of Civil Appeal No. 13 of 2012 itself, within a period of three months from the date of an authenticated copy of this order is produced. Until disposal of the Civil Appeal, however, the *status quo* as directed by this Court on 21 August 2014 to continue.

5] It is clarified that this Court has not adverted to the merits of the matter or expressed any opinion on the rival controversies. Accordingly, the learned District Judge, Niphad shall proceed to dispose of the Civil Appeal No. 13 of 2012 on its own merits and in accordance with law, without in any manner being influenced by the circumstance that this Court has granted *status quo* in the meantime.

6] The parties to appear and produce an authenticated copy of this order before the learned District Judge, Niphad on 15 June 2015 at 3.00 p.m.

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

8] All parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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