

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5006 OF 2013

Shankar P. Patil and ors.

.. Petitioners

vs.

Pandurang B. Patil and ors.

.. Respondents

Mr. G.N. Salunkhe for the Petitioners.

Ms Rekha Musale h/f. Ms Varsha Palav for Respondent Nos.1 to 6.

CORAM : M. S. SONAK, J.

DATE : 26 MARCH, 2015.

P.C. :-

1] This petition is directed against the order dated 30 April 2013, by which the District Judge-1, Gadhinglaj has dismissed the petitioners' application for stay to the impugned decree dated 7 February 2013, pending the hearing of the Civil Appeal No.212 of 2013.

2] This petition was instituted some time in June 2013 and by order dated 18 June 2013, the parties were directed to maintain *status quo*.

3] During pendency of Regular Civil Suit No.78 of 2007, in which the decree dated 7 February 2013 came to be made, the respondents application seeking interim reliefs was rejected, on basis of certain *prima facie* observations in favour of the petitioners. The *status quo* order made by this Court on 18 June 2013 as also continued till date.

4] In the aforesaid circumstances and further upon taking into consideration the law laid down by this Court in case of *Maneklal Jainarayanji Sabu vs. Ruprao G. Bhonde* – 2000 (4) Mh.L.J. 450, it would be appropriate if the *status quo* order granted by this Court on 18 June 2013 is continued, until the hearing and final disposal of the Civil Appeal No.21 of 2013.

5] Accordingly, this petition is disposed of with the following order:

- (a) The impugned order dated 30 April 2013 is set aside;
- b) The parties are directed to maintain *status quo* until the final disposal of the Regular Civil Appeal No.21 of 2013;
- (c) The District Judge -1, Gadhinglaj is directed to dispose of the Regular Civil Appeal No.21 of 2013 as expeditiously as possible and in any case within a period of three months from today, if not already disposed of;
- (d) The parties to appear before the District Judge-1 on 6 April 2015 at 11.00 a.m alongwith an authenticated copy of this order;
- (e) It is made clear that this Court has not examined the merits of the matter and it is open to the learned District Judge to decide the appeal, in accordance with law and on its own merits; and
- (f) All contentions of all parties are kept open.

6] Rule is made absolute to the afore said extent. There shall be no order as to costs.

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

(M. S. SONAK, J.)

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