

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2630 OF 2006

Dhananjay Shankar Joshi.] ... Petitioner

Versus

Shankar Dnyaneshwar Joshi.] ... Respondent

None for Petitioner.

None for Respondent.

CORAM :- M. S. SONAK, J.

DATE :- MAY 07, 2015

P. C. :-

1. None for Petitioner.

2. This Petition challenges order dated 19/09/2005 made by the Additional District Judge, Pandharpur, in Miscellaneous Appeal No.19 of 2005. By the impugned order, the Appeal Court set aside order below Ex.5 in Regular Civil Suit No.171 of 2004.

3. This Court, in its Judgment dated 06/02/2006, had issued Rule and granted stay upon the impugned order dated 19/09/2005. At the same time, trial of Regular Civil Suit No.171 of 2004 was directed to be completed as expeditiously as possible and preferably

by 31/12/2006 without being influenced by the pendency of this petition.

4. In the aforesaid circumstances, it is reasonable to presume that Regular Civil Suit No.171 of 2004 has itself been disposed of and perhaps, that is the reason why neither the parties nor their Advocates appear in the matter.

5. In any case, this petition can be disposed of by observing that the order made by the trial Court below Ex.5 in Regular Civil Suit No.171 of 2004 which has been in operation since 07/03/2004, shall continue to operate during the pendency of Regular Civil Suit No.171 of 2004, in case the same has not been disposed of till date. This is because at this belated stage, it would not be appropriate to disturb the interim position, which is in operation since 07/03/2004.

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

(M. S. SONAK, J.)