

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5933 OF 2016

Vishwambhar Bhagwan Giri & Anr. ... Petitioners
Vs.
Sudam Balbhim Gharat ... Respondent

Mr. N.L. Jadhav, Advocate for the petitioner.

CORAM : SUNIL P. DESHMUKH, J.
DATE : 15-06-2016.

Per Court :

1. Heard learned counsel for the petitioner. The petitioner is before this court purporting to be aggrieved by order on exhibit-5 in Misc. Civil Appeal No. 50 of 2016 passed by District Judge, Beed on 16-05-2016.

2. It will have to be taken into account, that the present writ petition has been preferred in the proceedings which is interlocutory in nature. The temporary injunction application for the trial of respondent/plaintiff has been rejected. During the pendency of temporary injunction application *status quo* order had been operating and after rejection of temporary injunction application, Miscellaneous Civil Appeal No. 50 of 2016 has been preferred by the plaintiff and during pendency of the said appeal exhibit-5 seeking interim relief has been filed by the plaintiff which has been granted.

3. The appellate court has continued the interim arrangement that had been operating during the pendency of temporary injunction application.

4. I do not think, this is a case fit enough to meddle with the order impugned in the present writ petition. The writ petition as such is not being entertained and is rejected.

5. It would be open for the petitioner to urge for disposal of the Miscellaneous Civil Appeal itself at an early date. Having regard to the urgency expressed the appellate court to consider the request being made on behalf of the petitioner. Miscellaneous Civil Appeal may be taken up for disposal within a period of three months.

(SUNIL P. DESHMUKH)
JUDGE