

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8193 OF 2016

Divisional Controller Maharashtra State
Road Transport Corporation, Parbhani

... Petitioner

Vs.

Nafiskhan Moinoddin Khan Pathan

... Respondent

Mr. B.S. Deshmukh, Advocate for the petitioner.

Mr. Shrikant T. Veer, Advocate for the respondent.

CORAM : SUNIL P. DESHMUKH, J.
DATE : 10-08-2016.

Per Court :

1. In the present matter, it is the contention of respondent, while the matter has been shown on 25-03-2015, had been heard and scheduled for judgment, no further date had been given for judgment and roznama depicts the same. The district court has taken note of the fact that, in the circumstances, the order had not been known to present respondent and the petitioner went on to claim possession from respondent on 22-04-2015. The respondent was in possession of an area of 24 sq.ft at Bus Stand till then and appears to claim that he had been earning his livelihood from business carried on from said area.

2. It appears that, an order as has been earlier passed by

Hon'ble Single Judge of this court in earlier round of litigation refusing to interfere with the order passed by District Judge directing possession to respondent, for the reasons that due course had not been followed for taking back the possession.

3. In the circumstances, instead of going into the merits or demerits of the case since an order had been passed and the circumstances are referred to above have been involved, I do not deem it appropriate to meddle with the impugned order, however, as in the earlier round of writ petition, the district court may decide on the appeal itself expeditiously preferably within a period of three months from the date of receipt of this order.

4. Writ petition accordingly stands disposed of. Since the matter is being equitably considered, the respondent shall deposit a sum of Rs. 25,000/- with the appellate court, appropriation of which shall be decided upon decision in appeal.

(SUNIL P. DESHMUKH)
JUDGE