

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2962 OF 2013

Babu S/o Malhari Sonawane

...PETITIONER

versus

Dnyaneshwar Tukaram Sonawane
and others

...RESPONDENTS

.....

Mr. S.D. Hivrekar, Advocate for petitioner
Mr. C.V. Bodkhe, Advocate holding for
Mr. R.V. Gore, Advocate for respondents.

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CORAM : K.K. SONAWANE, J.

DATED : 22nd SEPTEMBER, 2016

Order :-

1. Heard learned counsel for petitioner and respondents.
2. Petitioner - original plaintiff assails judgment dated 11-06-2012 in Miscellaneous Civil Appeal No. 194 of 2011 passed by learned District Judge -1, Aurangabad confirming order dated 26-07-2011 in Regular Civil Suit No. 60 of 2011 passed by learned Civil Judge, Junior Division, Soygaon, whereunder his application Exhibit - 5 for temporary injunction has been rejected.
3. This court under order dated 22nd April, 2013 has directed the parties to maintain *status-quo* and the same was continued time to time till this date.
4. During the course of hearing, learned counsel appearing for petitioner submits that in case order of *status-quo* is allowed to be continued, the matter may be relegated to the concerned court for

expeditious disposal on merits.

5. I have given anxious consideration to the arguments canvassed on behalf of both sides. Admittedly, the matter pertains to interim relief pending original proceedings. The impugned order came to be passed in the year 2011. In view of the nature of the subject matter, instead of decision of the petition on merits, for interim relief, it would be appropriate to issue directions to the trial court for expeditious hearing into the matter on merits. In case status-quo is ordered to be continued pending the original proceedings of Regular Civil Suit No. 60 of 2011, it would not cause any prejudice or injustice to either parties. In contrast, it would sub-serve the purpose to facilitate learned trial Judge to adjudicate the dispute in proper manner within ambit of law. Hence, I prefer to relegate the matter back to the concerned trial court with directions to take endeavour for adjudication of the dispute on merits, as expeditiously as, possible preferably within a period of eight months from the date of receipt of order of this court. Meanwhile, the parties to maintain *status-quo* pending the original proceedings of Regular Civil Suit No. 60 of 2011. Needless to state that this court has not dealt with the merits of the present petition.

6. With such directions, writ petition stands disposed of. No order as to costs.

Sd/-
[K. K. SONAWANE, J.]