

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 3753 OF 2016

Pandurang Cindhu Choudhari	... Petitioner
V/s.	
Khandu Tukaram Patil & Ors.	... Respondents

Mr. Atul Damle – Senior Advocate i/b. Mr. J. M. Joshi for Petitioner.
Mr. Sandesh Patil i/b. Anusha Amin for Respondent Nos. 1 & 2.

**CORAM : K. K. TATED, J.
DATED : 22/07/2016**

PC :

. Mr. Atul Damle, the learned Senior Advocate for the petitioner and Mr. Sandesh Patil, the learned counsel appearing for respondents submit that this petition can be disposed off with the following agreed order :

(A) The orders dated 19 December 2014 and 20 February 2016 made by the learned trial court and the lower appellate court, in regard to the respondent No.1's application at Exhibit '5', are hereby set aside.

(B) The trial court is directed to reconsider the respondent No.1's application at Exhibit '5' afresh and dispose of the same as expeditiously as possible and in any case within a period of three months from the date of production of authenticated copy of this order.

(C) The trial court, whilst considering the application at Exhibit '5' to go into the aspect of which of the parties are prima facie, in possession of the suit property, along with all other issues which

may arise in the application.

(D) Until disposal of the application at Exhibit '5', both the parties to maintain status quo in respect of the suit property.

(E) All contentions of all parties are left open for decision by the trial court.

(F) This petition is disposed off in the aforesaid terms.

(K.K.TATED, J.)