

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3748 OF 2016

Pandurang C. Choudhari .. Petitioner
vs.
Kanha S. 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. 1/1 to 1/4

CORAM : M. S. SONAK, J.
DATE: 08 JULY 2016

P.C :

1] Mr. Damle, the learned Senior Advocate appearing for the petitioner seeks leave to delete the respondent no. 2, as the presence of the respondent no. 2 is not necessary for the purposes of disposal of the present petition. Leave granted. Necessary amendment to be carried out forthwith.

2] Mr. Damle, the learned Senior Advocate for the petitioner and Mr. Sandesh Patil, the learned counsel appearing for respondent nos. 1/1 to 1/4 submits that this petition can be disposed of with the following agreed order :

(A) The orders dated 6 July 2015 and 20 February 2016 made by the learned trial court and the lower appellate court, in regard to the respondents' application at Exhibit '5', are

hereby set aside;

(B) The trial court is directed to reconsider the respondents' 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 matter;

(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.

3] This petition is disposed of in the aforesaid terms.

(M. S. SONAK, J.)

Chandka