

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.991 OF 2015
with
CAA/1215/2015

Shri Sunil Adinath Salvi

... Appellant

Vs.

Vishwanath Sidhu Bhangе & Ors.

... Respondents

Mr.Dilip Bodake for the Appellant
Mr.P.D. Dalvi for Respondent Nos.1 to 6

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **15th FEBRUARY, 2016**

P.C.:

1. This Appeal from order challenges the order dated 30.6.2015 passed by the District Judge 5, Solapur, below exhibit 5 in Regular Civil Appeal No.296 of 2014, giving direction to maintain status quo by both the parties.

2. The appellant is the original defendant No.1B and there is a dispute between the plaintiffs and the defendants in respect of ownership of the land where the plaintiffs are constructing. The present defendants have filed counter claim before the trial Court and the said counter claim was dismissed and the suit of the plaintiffs i.e., respondent Nos.1 to 6, was decreed against which the defendants have filed Regular Civil Appeal No.296 of 2014 in which the application below exhibit 5 for interim stay of

the execution of the decree was moved. At the time of giving of that application, the District Court allowed the said application partly and directed the parties to maintain status quo regarding the construction of the suit properties mentioned in the plaint and the counter claim. The order of status quo was supposed to be in force till 29.8.2015 and the Court also expedited the hearing of the appeal.

3. The learned Counsel for the appellant submitted that with this order dated 30.6.2015, his application below exhibit 5 was disposed of and the stay was only upto 29.8.2015 so he filed this appeal on 21.8.2015.

4. On query, it is informed that the appeal is still pending on the file of the District Court, Solapur. In view of the order passed by the learned District Judge dated 30.6.2015, there was no need to file this appeal before this Court but the appellant should have asked for extension of the status quo before the appellate Court on 29.8.2015. In view of this, there is no need to interfere with the order passed by the District Court.

5. Hence, the appeal is dismissed with costs quantified at Rs.500/- to be paid to the respondents within two weeks from today. As the District Court has already expedited the hearing, the order of status quo which was granted by the District Court and extended fromtime to time by this

Court, the said order is extended upto 31.3.2016, by which time the District Court shall endeavour to dispose of the appeal.

6. In view of the disposal of the Appeal from order, Civil Application also stands disposed of.

(MRIDULA BHATKAR, J.)