

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

WRIT PETITION NO. 2078 OF 1996

GOJATBAI @ KALPANA BANSILAL.
VERSUS
SAKWARBAI DAGA PATIL (L.RS.) VISHWAS & OTHERS.

...
Advocate for the Petitioner : Shri Yogesh B. Bolkar h/f Shri
R.B.Raghuwanshi.
Advocate for the Respondents : Shri N B Suryawanshi.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 11th December, 2017

Per Court :

1 I have heard the learned Advocates for the respective sides.

2 This petition was originally instituted at Mumbai bearing Writ
Petition No.2612/1992. While admitting the petition on 09.11.1994,
interim relief in terms of prayer clause (c) was granted, which reads as
under:-

"(c) *that pending the hearing and final disposal of the present
petition this Hon'ble Court be pleased to stay the hearing and all
further proceedings of Regular Civil Suit No.393/1987 pending
on the file of Civil Judge, S.D., Dhule.*"

3 The impugned order dated 21.02.1992 below Exhibit-40 in
RCS No.393/1987 reads as under:-

"The application is presented within time after the death of defendant No.1 and in my opinion, say of other side (illegible). Hence application is allowed."

4 I find that, on account of the interim order dated 09.11.1994, RCS No.393/1987 pending on the file of the learned Civil Judge, Senior Division, Dhule has been stayed. The said relief is operating for the past 23 years.

5 Considering the above, this Writ Petition is disposed of with the following directions :-

(a) The Trial Court is directed to decide RCS No.393/1987 as expeditiously as possible and preferably on or before 30.06.2018, if not already decided.

(b) Needless to state, all the contentions of the litigating sides are kept open.

6 Rule is discharged.