

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2055 OF 2017

SHIVAJI PUNDLIK MALI AND ANOTHER
VERSUS
SOPAN LAXMAN MALI

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Advocate for Petitioners : Shri Godbharle Vinod D.
Advocate for Respondent : Shri Deshmukh R.B.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 03, 2017

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PER COURT :-

1. The petitioners are aggrieved by the order dated 6.12.2016 passed by the Appeal Court thereby rejecting their application Exhibit 5, in RCA No.69 of 2016, filed by the petitioners for challenging the judgment and decree dated 30.9.2016, delivered by the trial Court in RCS No.46 of 2014.

2. Learned Advocate for the petitioners submits that though their appeal is pending, they are prevented from entering into the suit land, which was in their possession since 1972. Learned counsel for the respondent submits that no execution proceedings have been filed by the original plaintiffs and no such proceeding would be filed if the appeal Court decides the pending appeal expeditiously.

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3. Both the learned Advocates submit that, considering the above statements made, the appeal, which is pending for almost one year, can be expedited.

4. As such, this petition is disposed off with a direction to the learned District Judge-2, Udgir to decide RCA No.69 of 2016, as expeditiously as possible and preferably on/or before 15.1.2018. In the event, there is any connected appeal, preferred by the original plaintiffs, the same could also be considered expeditiously, in the event of there being no other legal impediment.

5. Needless to state, the petitioners / appellants before the appeal Court in RCA No.69 of 2016 shall deposit the paper book on/or before 31.10.2017.

(RAVINDRA V. GHUGE, J.)

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