

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

WRIT PETITION NO. 10430 OF 2017

SUBHASH RAMA JADHAV AND OTHERS
VERSUS
MOHAMMAD HAMEEDUDDIN BASHEERUDDIN DIED. LRS RAISPASHA
MOHD HAMIMUDDIN AND OTHERS.

...
Advocate for Petitioners : Shri Natu Sharad V.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 28th August, 2017

Per Court:

1 The Petitioners are aggrieved by the impugned order dated 07.05.2016 by which the learned Trial Court has disposed of the applications Exhibits-156 and 226 in RCS No.1007/1989.

2 The Petitioners are the original Defendant Nos.1/1, 2 and 3. Petitioner No.2 is almost 80 years old and Petitioner No.3 is 85 years old.

3 By the impugned order, the Plaintiffs as well as Defendant Nos.1 and 2 are directed to maintain status-quo as regards the possession of the open land portion of the suit property Survey No.74.

4 Notwithstanding the strenuous submissions of Shri Natu, learned Advocate for the Petitioners, seeking quashing of the impugned order, I find that the suit was lodged in 1989 and is practically 28 years

old. Exhibits-156 and 226 were pending adjudication before the Trial Court from 23.01.2015. The impugned order runs into 20 pages in deciding the said two applications and for which the Trial Court has taken almost one year.

5 I find that ends of justice would be met if the trial of the suit is expedited since it appears that much time is being consumed in deciding different applications which are being filed from time to time by the litigating sides.

6 Considering the above and the innocuous order that I intend to pass, that I am not issuing notice to the Respondents. This Writ Petition is disposed of with a direction to the Trial Court to decide RCS No.1007/1989 as expeditiously as possible and preferably on or before 31.03.2018.