

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

WRIT PETITION NO. 2381 OF 2014

Bappaji s/o Kashinath Kapre,
Age 45 years, occup. Agril.,
R/. Kaij, Tq. Kaij, Dist. Beed .. Petitioner

versus

1. The Block Development Officer,
Panchayat Samittee Kaij,
Tq. Kaij, Dist. Beed
2. The Chief Executive Officer,
Zilla Parishad, Beed .. Respondents

WITH
WRIT PETITION NO. 2382 OF 2014

Pradeep s/o Devidasrao Sawant
Age 33 years, occup. Business,
R/. Sawantwadi, at present Kaij,
Tq. Kaij, Dist. Beed. .. Petitioner

versus

1. The Block Development Officer,
Panchayat Samittee Kaij,
Tq. Kaij, Dist. Beed
2. The Chief Executive Officer,
Zilla Parishad, Beed .. Respondents

Mr. Nitin T. Tribhuwan, Advocate for petitioners
Mr. P. D. Suryawanshi, Advocate for respondents

CORAM : SUNIL P. DESHMUKH, J.
DATE : 29-11-2017

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard learned counsel for appearing parties finally, by consent.

2. Petitioners in the two petitions are plaintiffs in regular civil suit no. 9 of 2005 and 13 of 2005 respectively filed before Civil Judge, Junior Division, Kaij, seeking declaration and injunction. During pendency of suit, interim relief in the shape of status-quo order had been prevailing. Subsequently, suits had been dismissed and as such, plaintiffs had preferred regular civil appeal no. 180 of 2012 and 177 of 2012 respectively. Even during pendency of appeals initially status-quo as had been operating under interim order of the trial court had been directed to be maintained. The same was extended from time to time and on a day when the lawyers were striking and petitioners' advocate could not attend to the court, applications for interim relief during pendency of appeals stood rejected under orders passed on 10-03-2014 on Exhibits 31 and 37 in respective appeals. It is against these orders present writ petitions have been filed.

3. Learned counsel for petitioners points out that interim relief in terms of prayer clause 'D' which is identical in both the writ petitions had been operating. Prayer clause 'D' reads thus;

" D. Pending hearing and final disposal of this writ petition, the respondent may please be directed to maintain status-quo about the suit plot of petitioner. "

4. He submits that the appeal is ripe for hearing finally and as such requests that relief hitherto operating be directed to be continued till disposal of the appeals.

5. Learned counsel Mr. Suryawanshi, appearing on behalf of respondents in both the writ petitions is reluctant to accede to the proposition by petitioners.

6. However, in the circumstances hitherto, it would be expedient that interim relief operating under the orders of this court be allowed to be continued during pendency of the appeals before the appellate court.

7. As such, interim relief as operating to continue to operate during pendency of the appeals before the appellate court. The appeals be decided expeditiously, preferably within

a period of six months from the date of receipt of writ of this order. Rule made absolute accordingly.

7. Both the writ petitions stand disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd