

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

916 WRIT PETITION NO. 10913 OF 2017

BALIRAM GOVIND GAIKWAD
VERSUS
ASHOK TATYABA OHOL AND OTHERS

...

Advocate for Petitioner : Mr. Satyajit S. Bora.

Advocate for Respondent Nos.1 to 3 : Mr. Rahul R. Karpe.

...

CORAM : **V. K. JADHAV, J.**

DATE : 08th November, 2017.

ORDER:

. Heard finally with consent.

2 The learned District Judge-2, Shrirampur vide impugned order dated 10th August, 2017 in Miscellaneous Civil Appeal No.26 of 2007 allowed the appeal with costs and quashed and set aside the order passed by the Trial Court dated 16th November, 2005 below Exhibit 5 in Regular Civil Suit No.175 of 2005 and rejected the application Exhibit 5 for grant of temporary injunction.

3 It appears that the Petitioner has instituted the suit bearing Regular Civil Suit No.175 of 2005 and also submitted an application Exhibit 5 to protect his possession over the suit property. The said application Exhibit 5 came to be allowed on 16th November, 2005.

Being aggrieved by the order passed by the Trial Court, the Respondents / Defendants preferred Miscellaneous Civil Appeal No.26 of 2007. Though the learned District Judge, Shrirampur has disposed of the said appeal in the year 2017, in the year 2007 itself, the learned District Judge has stayed the effect of the order passed below Exhibit 5 by the Trial Court and directed the parties to maintain the *status-quo* as on 10th August, 2007.

4 Thus, considering this long duration, I am not inclined to interfere in the order passed by the lower Appellate Court. However, considering the fact that the learned Judge of the lower Appellate Court has directed the parties to maintain *status-quo* way back in the year 2007, I prefer to direct the parties to maintain the *status-quo* till the disposal of the suit with further directions to the Trial Court to expedite the hearing of the suit and dispose it of within one year as directed by the lower Appellate Court. The writ petition is accordingly disposed of.

[V. K. JADHAV, J.]