

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10563 OF 2012
WITH
CIVIL APPLICATION NO. 14713 OF 2015

SUNITA @ SYERA SARDARKHAN PATHAN & OTHERS
VERSUS
AFZALBEE W/O. AMEERKHAN PATHAN & ORTHERS

Advocate for Petitioner : Shri S.P. Urgunde.
Advocate for Respondent Nos. 1 to 4 : Shri A.S. Deshpande.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 02nd August, 2017

PER COURT :

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

2. The original defendants are aggrieved by the judgment and order dated 04/12/2012, delivered by the appellate Court, by which, Miscellaneous Civil Appeal No. 48/2012, has been allowed. The order of the Trial Court dated 05/05/2012, rejecting application Exhibit 5 under Order XXXIX Rule 1 of the Code of Civil Procedure, has been quashed and temporary

injunction has been granted by the appellate Court.

2. The learned advocates for the respective sides submit that R.C.S. No. 484/2012, is at the stage of the recording of the evidence. This Court, by order dated 17/12/2012, had stayed the impugned judgment of the appellate Court. However, by order dated 20/02/2013, this Court has directed the litigating sides to maintain status quo with regard to the suit property. The said order is in force for about four years and six months.

3. Considering the above, I do not find it appropriate to deal with the challenge to an interlocutory order passed on Exhibit 5 by the Trial Court, since the suit itself could be decided on its own merits within a particular time frame.

4. As such, this petition is disposed of with a direction to the Trial Court to decide R.C.S. No. 484/2012 as expeditiously as possible and preferably on/or before the 30/04/2018. The order of maintaining the status quo by the litigating sides dated 20/02/2013, passed by this Court shall continue to operate till

the suit is decided or till 30/04/2018, whichever is earlier.

4. Pending Civil Application does not survive and stands disposed of.

(RAVINDRA V. GHUGE, J.)

S.P.C.