

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

**WRIT PETITION NO. 11767 OF 2016**

Jijaba s/o. Yesu Vitnor .. Petitioner  
Age.60 years, Occ. Agri.,  
R/o. Manori, Tq. Rahuri,  
Dist. Ahmednagar.

Versus

1. Devrao s/o. Manikrao Vitnor .. Respondents  
Age. 25 years, Occ. Agri.,
2. Muktabai w/o. Manikrao Vitnor  
Age. 46 years, Occ. Agri.,  
Both R/o. Manori, Tq. Rahuri,  
Dist. Ahmednagar.

Mr.A.A.Khande h/f.Mr.M.P.Kale, Advocate for petitioner.  
Mr.N.B. Patekar, Advocate for the respondents.

**CORAM : S.B. SHUKRE,J.**

**DATED : 13.02.2017**

**P.C. :-**

1. Heard. Rule. Rule made returnable forthwith and heard finally by consent.

2. The application seeking hearing of Misc. Civil Application No. 46 of 2014, Misc. Civil Application No.79 of 2014 and R.C.A. No.181 of 2014 together finally has been rejected by the learned District Judge, by his order passed on 01.10.2016. Being aggrieved by the same, the petitioner is before this Court.

3. The legality and correctness of every order challenged in writ petition has to be examined in the context of reasons given in such order and the law applicable to the facts of the case. One of the reasons, that has weighed with the learned District Judge in granting expeditious final hearing of R.C.A. No.181 of 2014 is that, this Court in Writ Petition No.5008 of 2014 on 05.06.2014 directed expeditious disposal only of Misc. Civil Application No.79 of 2014, preferably within a period of three months from the date of receipt of writ. Considering the pendency of the cases and such order passed by this Court, the learned District Judge formed an opinion that R.C.A. No.181 of 2014 could not be decided earlier. I do not see any patent illegality or perversity in such approach. Therefore, no interference with the impugned order is called for.

4. The writ petition is therefore dismissed with costs. However, the petitioner is at liberty to renew his request, if there is change in the circumstances. Rule discharged.

**[S.B. SHUKRE, J.]**