

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12229 OF 2016
(Machhindra Ananda Waghe and others Vs. Baban Rawaji Gorde and others)

Mr.Sandeep Gorde Patil, Advocate for the petitioners.
Mr.M.R.Jadhav, Advocate for respondent Nos. 5 to 12 and 27 to 38

(CORAM : Ravindra V.Ghuge, J.)

DATE : 12/07/2017

PER COURT :

1. The petitioners are aggrieved by the order dated 08/11/2016 by which application Exh.23 has been allowed in RCS No.605/2013 and defendant Nos. 28 to 39 have been added in the pending suit.
2. I have considered the submissions of the learned Advocates for the respective sides.
3. It appears that on account of the interim application seeking injunctory orders under Order 39 Rule 1 and 2, the added defendants have developed an apprehension that if the said application is granted, they would suffer irreparable harm. Considering the likelihood of they being affected, the Trial Court has allowed Exh.23.

4. Mr.Gorde, learned Advocate for the petitioners submits that these added defendants have still not filed their written statement according to his information. Similarly, application Exh.35 filed by the plaintiffs, seeking fixation of boundaries and installation of measurement marks, dated 15/03/2014, is still pending and remains undecided. He, therefore, prays that if the added defendants are directed to file their written statements, if not already filed, within 1 (one) week and if Exh.35 is decided expeditiously, this petition can be disposed of and the issue before the Trial Court can also be resolved. Learned Advocate for the respondents seeks 3 weeks time to file the written statement, if not already filed.

5. Considering the above, this petition is disposed of by directing the added defendants to file their written statement on or before 29/07/2017, if not already filed. Thereafter, the Trial Court shall proceed to decide Exh.35 expeditiously as it is pending for more than 3 years, on its own merits within a period of 2 (two) weeks from the date of the filing of the written statements by the defendants.

(Ravindra V.Ghuge, J.)