

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 5482 OF 2014**

Daulatrao Bajirao Deshmukh  
since deceased, through heirs & LRs. .. Petitioners

v/s.

Laxman Bajirao Deshmukh  
since deceased, through heirs & LRs. .. Respondents

Mr. R.N. Gite for the petitioner  
Mr. Swapnil V. Walve for respondent nos. 9 to 11  
Mr. Pratik Rahade i/b Pramod N. Joshi for respondent nos. 15 to 18

**CORAM : M.S. SANKLECHA, J.**

**DATED : 26<sup>th</sup> SEPTEMBER, 2017**

**P.C.**

1. This petition challenges the order dated 4<sup>th</sup> April, 2014 passed by the Extra Joint Adhoc District Judge, Nashik. By the impugned order dated 4<sup>th</sup> April, 2014, the order of the trial Court dated 22<sup>nd</sup> January, 2014 in favour of the petitioners was partly altered by allowing the appeal of respondent nos. 9 to 12 and 15 to 18, who are the original defendant nos. 9 to 12 and 15 to 18 in the suit.

2. On 13<sup>th</sup> June, 2016, this Court issued notice to the respondents on this petition. However, no interim stay of the proceedings was

granted, although liberty was granted to the petitioners to move for ad-interim reliefs after giving 48 hours notice to the respondents. The petitioners have not made any such attempt to obtain ad-interim and / or interim reliefs in this petition. Consequently, the trial before the lower Court has proceeded and I am informed that the evidence is now being recorded by the trial Court.

3. The petitioners, who are the original plaintiffs have filed the suit in the year 1991 for declaration and cancellation of the Sale Deed and for partition. During the pendency of the suit, defendant nos. 2 to 11 who belong to same family as the plaintiffs, had sold some of the tenanted properties to defendant nos. 13 and 14, who in turn sold the same to defendant nos. 12, 17 and 18.

4. During the pendency of the suit, petitioners (original plaintiffs) application for temporary injunction against the defendants, not to disturb their possession nor alienate or create third party rights in respect of the properties in their possession was allowed. In appeal, the impugned order after considering all the facts partly allowed the appeal of the respondents by deleting the order restraining the defendants from causing obstruction to the

undivided shares of the plaintiffs in the suit land. However, all the parties were directed not to alienate the suit land in their possession till the final disposal of the suit. The impugned order was passed on 4<sup>th</sup> April, 2014. The petitioners continued to be in the possession of the land, which was in their possession at the time when the present proceedings were filed. The respondents herein have also continued to be in possession of the their property and had not alienated the suit land as directed by the impugned order dated 4<sup>th</sup> April, 2014.

5. In the above view, the status-quo as of today will continue till the final disposal of the Suit. At this stage, when the trial has already commenced and the suit is likely to culminate in the near future finally deciding the rights of the parties, it would be in the interest of justice that status-quo is maintained till the final disposal of the suit.

6. Accordingly, the petition is disposed of in the above terms. No order as to costs.

**(M.S. SANKLECHA, J.)**