

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

WRIT PETITION NO.8344 OF 2016

Kisan Maruti Bhadale, since deceased
through his legal heirs
Dilip Kisanrao Bhadale & Ors. Petitioners

versus

Smt. Hausabai Sopan Bhadale, since deceased
through her legal heirs
Dattatray Sopan Bhadale & Ors. ... Respondents

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- Mr.Abdul R. Shaikh, Advocate for the Petitioners.
- Mr.A.V. Anturkar, Senior Advocate i/b. Sandeep M. Phatak, Advocate for the Respondent Nos.4 and 11.
- Ms.Shruti Tulpule, Advocate for Respondent Nos.1, 3(A), 3(B), 5 to 7.

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 29th MARCH, 2017.**

P.C. :

1. The petitioner is directed against the order dated 28/04/2016 passed by the Ad-Hoc District Judge-2, Pune in Civil Suit No.506/10. The suit is filed for partition and possession. By impugned order the application Ex.45, seeking temporary injunction pending appeal, was rejected by the

learned Appellate Court. The learned senior counsel for the respondent has submitted that the construction, which was going on at the time of filing of this petition, is more or less complete.

2. Perused the photographs of the construction which are produced by the petitioner. It appears that construction on the suit land might have been complete.
3. Perused the relevant paragraph No.8 in the impugned order. In view of this, it is appropriate to direct parties to go before learned Appellate Judge and the learned Judge may endeavour to hear and decide the appeal on or before 30/06/2017.
4. With this, the writ petition stands disposed of.

(MRIDULA BHATKAR, J.)