

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

WRIT PETITION NO. 1221 OF 2018

BALAJI SAMBHAJI MUNDHE AND OTHERS
VERSUS
DHONDIRAM LAXMAN PHAD (SAUNDANKAR) AND OTHERS

...

Advocate for petitioners : Shri I. D. Maniyar
Advocate for respondent Nos. 1a,1b,2 and 3 : Shri S.B.Bhosale

...

CORAM : RAVINDRA V. GHUGE, J.
DATED : 07th March, 2018.

PER COURT :-

1] I have considered the strenuous submissions of the learned counsel for the petitioners and all the respondents.

2] RCS No. 49/2011 filed by the petitioners/plaintiffs has been decreed by judgment dated 05/10/2017. The Regular Civil Appeal No. 90/2017 preferred by the defendants is pending before the learned District Judge-4, Ambejogai. By way of an interim measure, the Appellate Court has stayed the judgment and decree of the Trial Court and at the same time, has restrained the litigating sides from creating third party interest or rights in the suit property so as to ensure a fair trial.

3] I do not deem it appropriate to consider the challenge to such an interlocutory order which is balanced and equitable. The pending appeal can be expedited in these circumstances.

4] As such, this petition is disposed of with a request to the learned District Judge-4, Ambejogai to decide RCA No. 90/2017 as expeditiously as possible and preferably on/or before 31/10/2018.

(RAVINDRA V. GHUGE, J.)

...

shp/-