

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2306 OF 2017

JALGAON DISTRICT MOTOR OWNERS AND
TRANSPORT AGENTS ASSOCIATION
VERSUS
THE COMMISSIONER, JALGAON CITY
MUNICIPAL CORPORATION AND ANOTHER

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Advocate for Petitioners : Shri Shah P.M. Sr. Advocate
i/b Shri Shah Subodh P.
Advocate for Respondents 1 & 2 : Shri Patil Pradip R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: June 26, 2018

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PER COURT :-

1. I have heard the learned Sr. Advocate on behalf of the petitioners, Shri Patil on behalf of respondent Nos. 1 and 2 and I have gone through the order passed by this Court (Coram : S.B.Shukre, J.) dated 17.2.2017.

2. Despite the submissions of the learned Advocate for the respondents supporting the impugned order and praying for dismissal of this petition, it is undisputed that the proceedings pending before the learned District Judge-3, Jalgaon are in the form of a Civil Appeal bearing No.97 of 2016. Since the proceedings in the form of an appeal under Section 81-F are pending from 2016, I am of the view that the interim relief granted by this Court, which is in operation for a period of 16

months, can be continued for a further period of 3 months or till the appeal is decided by the appellate Court, whichever is earlier.

3. As such, this petition is disposed off for the above stated reasons and with the following directions:-

(A) The litigating parties would appear before the learned District Judge on 16.7.2018 on or any date if posted earlier by the said Court.

(B) The ad-interim protection granted by this Court would continue till 15.10.2018 or till the appeal is decided and this interim relief shall lose its efficacy on 16.10.2018 or on the date on which the judgment is pronounced by the learned District Judge, whichever is earlier.

(C) The litigating sides are precluded from seeking adjournments and the trial Court would be at liberty to reject such applications, if found to be based on unreasonable or trivial grounds.

(D) All contentions of the litigating sides are kept open.

(RAVINDRA V. GHUGE, J.)

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