

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3513 OF 2017

DEVIDAS DODHA PATIL
VERSUS
DAGA KAUTIK PATIL AND OTHERS

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Advocate for Petitioner : Shri Kulkarni Mukul S.
Advocate for Respondent 1 : Shri Shah Subodh P.
AGP for Respondent 3 : Shri Yadav S.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 04, 2018

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PER COURT :-

1. The petitioner is the original sole defendant in RCS No.54 of 2011, which has been decreed by the trial Court by judgment dated 20.9.2016. His RCA No.126 of 2016 is pending adjudication. By the impugned order, his application seeking a stay to the judgment and decree, has been rejected on 22.2.2017.

2. By order dated 16.3.2017, passed ex-parte, this Court has granted interim relief in terms of prayer clause (B) to the appellant and pursuant to which, the judgment of the trial Court has been stayed.

3. I have considered the strenuous submissions of Shri Kulkarni and Shri Shah, on behalf of the litigating sides. The ad-interim protection

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granted by this Court is in operation for the past about 15 months. Ends of justice would be met by continuing the relief and hearing in appeal can be expedited. While doing so, the enquiry ordered by the trial Court under Order XX Rule 12 of the Civil Procedure Code (CPC) shall be completed.

4. Considering the above, this petition is disposed off by continuing the ad-interim relief granted to the petitioner, save and except, the enquiry directed by the trial Court under Order XX Rule 12 of the CPC, which would be completed by the competent authority expeditiously. The appellate Court shall decide RCA No.126 of 2016, as expeditiously as possible and in any case, on/or before 31.12.2018. The litigating sides would be precluded from seeking adjournments on unreasonable and trivial grounds.

(RAVINDRA V. GHUGE, J.)

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