

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

929 WRIT PETITION NO. 9453 OF 2018

SHAIKH GANI SHAIKH DAGDU
VERSUS

SHAIKH HASHAM SHAIKH DAGDU AND OTHERS

...

Advocate for Petitioner : Mr. Avhad Abhijeet P. & Mr.
Shaikh Ashraf M.

...

**CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.**

DATE : AUGUST 14, 2018

O R D E R :

We have heard the learned counsel for the petitioner. The suit filed by the present petitioner bearing Regular Civil Suit No. 48 of 2011 is dismissed. The said suit was filed for partition and separate possession. Against the said judgment and decree the petitioner has filed appeal before the District Court and the same is pending.

2. Learned counsel submits that petitioner has filed application (Exh. 5) along with appeal but the

same is not decided since February, 2018. The petitioner has filed application (Exh. 16) for restraining original defendant from withdrawing the amount. The said application is rejected on the ground that the amount is already disbursed to the respondents.

3. The petitioner seeks to assail the said order.

4. The petitioner may agitate his rights in the pending appeal. Needless to state that if application is filed by the petitioner, the Court, where the application is filed, shall decide the same on its own merits.

5. The District Court shall decide application (Exh. 5) filed by the petitioner, on its own merits, expeditiously.

7. Writ petition accordingly is disposed of.

No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

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