

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

WRIT PETITION NO.11262 of 2018

Namdeo Kisan More & anr.

Petitioners

VERSUS

Rajendra Kisan More

Respondent

...

Mrs. C.S. Deshmukh, Advocate for the petitioners

Mr. S.R. Deshpande, AGP for the respondent

...

CORAM : RAVINDRA V. GHUGE, J.

DATE : 29th OCTOBER, 2018

PER COURT :

1 The petitioners-original defendants, who are appellants before the Appellate Court in R.C.A. No.328/2017, are aggrieved by the order dated 21.08.2018 by which their application Exh.7 seeking interim relief in the nature of staying the impugned judgment and decree passed in R.C.S. No.441/2010, has been rejected.

2 Though the learned counsel for the petitioners has strenuously criticized the impugned order and has drawn my attention to the 9 grounds formulated in the memo of the petition, it is informed that the matter

before the Appellate Court is posted today for final hearing.

3 After considering the submissions of learned Advocates for the respective sides, I find that the appeal will have to be practically heard by this Court in this petition filed against an interlocutory order. Now, it would meet the ends of justice if the appellate Court is requested to decide the said proceeding within a time frame keeping in view that the matter is posted for hearing today.

4 In view of the above and keeping in view the observations of the appellate Court in paragraph No.10 of the impugned order, this petition is disposed of. The Appellate Court is expected to decide R.C.A. No.328/2017 as expeditiously as possible and before 31.01.2019. Since the matter is posted today, the litigating side should proceed to address the Appellate Court with their final submission in the matter. All contentions of the litigating sides are kept open.

[RAVINDRA V. GHUGE, J.]

Donge/-