

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

WRIT PETITION NO. 13908 OF 2017

**KAMAL RAOSAHEB SHIPALKAR
VERSUS
SHIVAJI LAXMAN PALASKAR AND OTHERS**

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Advocate for the Petitioner : Shri A. K. Gawali
Advocate for Respondent Nos. 1 to 3 : Shri N. V. Gaware

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**CORAM : RAVINDRA V. GHUGE, J.
DATED : 30th JULY, 2018.**

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PER COURT :

1. While issuing notice on 04/12/2017, this Court (Coram : V. K. Jadhav, J.) has passed the following order :-

"1. Learned counsel for the petitioner submits that, by filing an application exh.40 petitioner/original plaintiff is seeking protection of his joint possession over the suit property alongwith respondents/original defendants. Learned counsel submits that, trial court has erroneously observed that the petitioner is seeking prohibitory order against coowners.

2. In view of the above, issue notice to the respondents, returnable on 24.1.2018".

2. I have heard the learned Advocates for the respective sides. I am not required to advert to their entire contentions considering their joint request that the suit may be expedited and the suit property will be protected by a status-quo order.

3. The petitioner has preferred RCS No. 273/2013 for seeking partition and separate possession. The stage in the suit is for framing of issues.

3. Considering this position and the fact that the parties are before this Court against an interlocutory order, I find that in the interest of justice, the suit can be expedited.

4. As such, this petition is disposed of.

5. The litigating sides shall maintain status-quo with regard to the suit property as existing today and shall not create third party interests and encumbrances thereon till the decision in the suit.

6. The Trial Court shall decide RCS No. 273/2013 as

expeditiously as possible and in any case, on or before 31/03/2019.

7. The litigating sides shall extend their cooperation to the Trial Court and avoid seeking adjournments on unreasonable and trivial grounds.

(RAVINDRA V. GHUGE, J.)

shp/-