

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.826 OF 2017

(Baban s/o Ramkrishna Jadhav and others Vs. Ganesh Kanhaiyya
Chavan and others)

Mr.P.K.Lakhotiya, Advocate for the petitioners.

Mr.Y.I.Thole h/f Mr.Shaikh A.T.Patel, Advocate for respondent Nos.1 to 4.

Mr.S.G.Bhalerao, Advocate for respondent Nos. 5 to 9.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 03/07/2018

PER COURT :

1. The petitioners are original defendant Nos. 1, 2, 8 and 9, who are aggrieved by the concurrent findings, arrived at a prima facie stage, by both the Courts. Injunction has been clamped against the defendants. By an order of this Court dated 06/09/2017, the parties are directed to maintain status-quo.

2. It is jointly submitted that the pendency before the Khultabad Court is not too large and RCS No.56/2015 can be disposed of on its merits within 6 months.

3. Considering that the *status-quo* has been directed to be maintained and as is informed by the learned Advocate for

respondent Nos. 1 to 4 who are original plaintiffs, that the affidavit in lieu of examination in chief on behalf of the plaintiffs has been filed about 6 months ago and the defendants are not proceeding to cross examine the plaintiffs, the pending suit can be expedited.

4. Therefore, this petition is disposed of by continuing the interim order dated 06/09/2017 till the suit is decided. The Trial Court shall decide the said suit as expeditiously as possible and preferably on or before 28/02/2019. The defendants shall proceed to cross examine the plaintiff without seeking an adjournment and the Trial Court would be at liberty to refuse adjournments if the said request is based on unreasonable and trivial grounds.

5. Needless to state, the observations in the impugned orders are with regard to the temporary injunction application at a prima facie stage and would not influence the Trial Court while deciding the suit on its own merits.

(Ravindra V.Ghuge, J.)