IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14360 OF 2017

SHIVSHANKAR DATTRAO HEMBADE
VERSUS
NAMDEVRAO RAVAJI SHINDE AND OTHERS
...
Advocate for Petitioner : Shri Shinde Dhananjay M.
Advocate for Respondents : Shri Rathi Swapnil S.
...
CORAM : RAVINDRA V. GHUGE, J.
Dated: July 09, 2018
...

PER COURT :-

1. The petitioner / plaintiff is aggrieved by the order dated 13.11.2017 passed by the trial Court, by which, application Exhibit 15 filed in RCS No.43 of 2017 invoking Section 151 of the Code of Civil Procedure for availing of the police protection has been rejected.

2. I have considered the strenuous submissions of the learned Advocates for the respective sides. There is no dispute that application Exhibit 5 seeking injunctory orders under Order XXXIX Rule 1 of the CPC is still pending before the trial Court. Issue is as regards an ex-parte ad-interim order of granting status quo dated 15.7.2017.

3. Keeping in view the stage in the matter before the trial Court, I find that the ends of justice would be met by directing the trial Court to

hear these litigating sides on application Exhibit 5 on 17.7.2018 and thereafter proceed to deliver an order thereon on/or before the 4th day of August, 2018.

4. As such, this petition is disposed off with the above directions. Needless to state, as RCS No.43 of 2017 has been posted on 8.8.2018, the trial Court shall prepone the said date and hear Exhibit 5 application on 17.7.2018. The litigating sides are precluded from seeking adjournment on the said date.

5. All contentions of the litigating sides are kept open for consideration.

(RAVINDRA V. GHUGE, J.)

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