

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 6155 of 2015

Chandrakant Shankar Magdum	..Petitioner.
Vs	
Shrishail Shankar Magdum & Ors	..Respondents.

Ms Kavita P. Shinde I/by P.D. Pise for the petitioner.
Mr. Govind B. Pawar for Respondent No. 1 and 2 for respondents.
Mr. P.P. Jadhav for respondent No.3 UoI.

CORAM : R.M. BORDE,J

DATED : 29th October, 2018

P.C. :

- 1) Heard learned counsel for the parties.
- 2) The petition is presented against the interlocutory order passed by the learned Civil Judge, J.D.Miraj on 20/6/2015 allowing the plaintiffs-respondents to fix shutters to two blocks constructed on suit property as shown in the map along with application at Exh.22 in RCS No. 263 of 2013. This matter was taken up for consideration at the instance of original defendant petitioner herein on 3rd July, 2015 and this Court while directing issuance of notice to the respondents, has granted stay to the order passed by the learned Trial Judge on 20th June, 2015. It does appear that the interim relief granted by this Court on 3rd July,2015 is continued

and operative till this date. In the circumstances, without going into merits of the controversy, the ends of justice would be met if the interim order operating since from 2015 is directed to be continued for a period of eight months from today with a further direction to the trial Court to decide the pending suit as expeditiously as possible, preferably within a period of eight months from the date of communication of this order.

3) It is clarified that this Court has not considered into merits of the controversy and looking to the fact that suit presented in 2013 is still pending as well as the interim relief granted by this Court in 2015 is still operative, direction is issued to the trial Court for expeditious disposal of the suit.

4) The writ petition stands disposed of with a direction to Civil Judge, J.D. Miraj to decide the pending suit bearing RCS No. 263 of 2013, as expeditiously as possible, preferably within a period of eight months from today. The interim order passed on 3rd July, 2018 shall remain operative till the disposal of the suit by the trial Court.

5) With the above directions, writ petition is disposed of.

(R.M. BORDE,J)