

ISM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 2511 OF 2018**

Shri. Jayvantrao Baburao Shinde and othersPetitioners

V/s.

Shri. Anant Laxman Jangam and othersRespondents

Mr. R. S. Patil for the petitioner

Mr. A. P. Kulkarni for respondent nos. 1 & 2

CORAM : NITIN W. SAMBRE, J.

DATE : JULY 11, 2018.

P.C.

Impugned in the petition is the order dated 09/08/2017 passed by the Civil Judge Senior Division, Ratnagiri below Exhibit 170 in R.C.S. No. 39 of 2010.

2 The said suit is initiated by the petitioner-plaintiff for declaration and injunction.

3 It is claimed by the petitioner that certain orders have been passed time and again in favour of the petitioner below Exhibit 51 and below Exhibit 6 which are not taken to its logical end as the respondents-defendants have caused hindrance in taking benefit of said orders passed in favour of the petitioner.

4 According to the learned counsel for the petitioner, application Exhibit 170, without considering the factual matrix and various orders passed by the Civil Court, is rejected.

5 *Per contra*, the learned counsel for respondents-defendants would urge that the order impugned does not warrant any interference, particularly when both parties on various events have invoked provisions of Section 144 of Code of Criminal Procedure, 1973 before the learned Magistrate in regard to the rights claimed by the petitioner-plaintiff. He sought dismissal of the petition.

6 Having considered controversy raised in the present proceedings, in the interest of justice, the following order will sub-

serve the interest of the parties finally.

7 The Trial Court before whom the parties agree that the suit has reached at the evidence stage, be decided expeditiously, in any case, within period of 8 months from the date of communication of this order.

8 The parties agree that they shall co-operate with the Court below in expeditious disposal of the suit.

9 Needless to clarify that this Court has not examined the merits as sought to be canvassed in the impugned order dated 09/08/2017 as the observations therein are in interlocutory in nature.

10 Petition stands disposed of.

[NITIN W. SAMBRE, J.]