

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 7797 OF 2016****ALONGWITH****CIVIL APPLICATION NO. 1358 OF 2017****ALONGWITH****CIVIL APPLICATION NO. 1360 OF 2017****Pandurang Mahadev Sapkal & Ors.****..... Petitioners****VERSUS****Firdos Nosir Kayani & Ors.****..... Respondents**

Ms.Kavita Shinde, i/b. Mr.Ashok Tajane for the Petitioners.

Mr.Sachin Dhakephalkar for the Respondent no.2.

Mr.S.D.Rayrikar, A.G.P. for the State – Respondent nos. 6 and 7.

CORAM : R.D. DHANUKA, J.**DATE : 11th JULY, 2018****P.C.**

It is not in dispute that the appeal filed by the petitioners is pending before the respondent no.7. This writ petition is arising out of the order passed by the respondent no.7 rejecting the application for interim relief. This court has granted *ad-interim* relief on 22nd April, 2016 which is in force till date.

2. It would be in the interest of justice if the appeal is directed to be heard expeditiously and *ad-interim* relief granted by this court if continued till the disposal of the said appeal and for a period of two weeks from the date of communication of the said order.

3. I, therefore, pass the following order :-

(a) The impugned order dated 21st March,2016 passed by the learned Additional Commissioner, Pune Division, Pune rejecting the application for grant of stay filed by the petitioners is set aside.

(b) *Ad-interim* relief granted by this court on 22nd April, 2016 in this writ petition to continue till disposal of the said appeal pending before the responded no.7 and for a period of two weeks from the date of communication of the order if the same is adverse against the petitioners.

(c) The respondent no.7 is directed to dispose of the appeal expeditiously and not later than four months from the date of communication of this order.

(d) It is made clear that this court has not expressed any views on the merits of the matter.

(e) All contentions of both the parties are kept open.

(f) The appeal filed by the petitioners shall be decided on its own merits without being influenced by the observations made and the conclusion drawn in the impugned order dated 21st March,2016.

(g) The parties are directed to appear before the

respondent no.7 on 25th July, 2018 at 11.00 a.m.

(h) If the time fixed by this court is not convenient to the respondent no.7, the respondent no.7 to communicate the earliest convenient date to the parties.

4. Writ petition is made absolute in the aforesaid terms. No order as to costs.

5. In view of the disposal of the writ petition, Civil Application No.1358 of 2017 and Civil Application No.1360 of 2017 do not survive and are accordingly disposed of.

[R.D. DHANUKA, J.]