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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6892 OF 2018

Appasaheb A. Patil	...Petitioner
V/s.	
Balgonda B. Patil	...Respondent

Mr.N.J. Patil I/b Mr.Amey Patil for the Petitioner.

Mr.Prashant P. Kulkarni for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 29TH OCTOBER, 2018.

P.C. :-

1. By this petition filed under under Article 227 of the Constitution of India, the petitioner has impugned the order dated 11th June, 2018 passed by the learned *Ad-hoc* District Judge - 1, Ichalkaranji below Exhibit – 11 in Regular Civil Appeal No.13 of 2018 filed by the respondent (original defendant). The said appeal is arising out of the judgment and decree passed by the learned Trial Judge on 8th February, 2018.

2. On 15th June, 2015, there was an order of *status-quo* passed by the learned Trial Court below Exhibit – 5 filed by the respondent (original plaintiff) which order was continued by an order dated 26th June, 2015 and was in force till the disposal of the Regular Civil Suit No.164 of 2015. Learned *Ad-hoc* District Judge – 1

however, has stayed the operation of the execution of decree dated 8th February, 2018 by recording various reasons during the pendency of the said Regular Civil Appeal No.13 of 2018 filed by the respondent and has virtually set aside the interim relief which was granted at Exhibit – 5 filed by the respondent (original plaintiff) which was in force for around three years.

3. In my view, the interest of justice thus would be met with if the impugned order passed by the learned *Ad-hoc* District Judge – 1 recording various *prima-facie* findings contrary to the findings rendered by the learned Trial Court is quashed and set aside. The appeal filed by the respondent is yet to be heard finally.

4. I therefore, pass the following order :-

a). The impugned order dated 11th June, 2018 passed by the learned *Ad-hoc* District Judge – 1, Ichalkaranji below Exhibit – 11 is quashed and set aside. Interim order passed by the learned Trial Court on 15th June, 2015 below Exhibit – 5 filed by the petitioner and which was in force till the date of disposal of the Regular Civil Suit No.164 of 2015 till the date of decree dated 8th February, 2018 to continue during the pendency of the Regular Civil Appeal No.13 of 2018 and for a period of two weeks from the date of the order as may be passed by the learned *Ad-hoc* District Judge – 1 in the said appeal if the same is adverse against the petitioner.

b). Hearing of Regular Civil Appeal No.13 of 2018 is expedited. Learned Ad-hoc District Judge – 1 shall make an endeavor to dispose of the said appeal within six months from the date of communication of this order.

4. None of the parties shall seek any unnecessary adjournment before the learned Ad-hoc District Judge – 1 and shall co-operate with each other and the learned Ad-hoc District Judge in disposing of the said appeal.

5. The writ petition is accordingly disposed of in aforesaid terms. There shall be no order as to costs.

(R.D. DHANUKA, J.)