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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13357 OF 2017

Rajkumar N Juriani and ors	...	Petitioners
V/s.		
Anita Prakash Javeri and ors	...	Respondents

Ms. Gauri Godse, for the Petitioners.
Mr. Pradeep D.Dalvi, for the Respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 27th FEBRUARY, 2018.

P.C. :

1] Heard learned counsel for the petitioners and respondents.

2] By this petition filed under Article 227 of the Constitution of India, the petitioners are challenging the orders dated 9.10.2017, passed by District Judge-I, Niphad, below Exh.31 and 38 in Misc. Civil Appeal No.74 of 2017.

3] Applications at Exh.31 and 38 were filed by respondents-plaintiffs for vacating the status quo for non compliance of order under Order 39 Rule 3 of Code of Civil Procedure. Being aggrieved thereby the present writ petition is preferred.

4] In my considered opinion, as the Misc.Civil Appeal itself is

pending before the Appellate Court for final hearing, instead of entering into the merits of the impugned order passed by the Appellate Court, it would be just and proper to direct the Appellate Court to decide the appeal as expeditiously as possible.

5] The Writ Petition stands disposed of with a direction to the Appellate Court to decide Misc. Civil Appeal No.74 of 2017, as expeditiously as possible and preferably within one month from the date of this order.

[DR.SHALINI PHANSALKAR-JOSHI, J.]