

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

WRIT PETITION NO.13241 OF 2018

Dnyaneshwar Keruvethekar

.. Petitioner

V/s.

Ashok Maruti Hande and Ors.

.. Respondents

Mr.Santaram Anant Tarale for the Petitioner

Mr.Sumant Deshpande for the Respondent no.1 to 3

Mrs.S.S.Bhende, A.G.P. for the Respondent nos.6 and 9

**CORAM: K.K. TATED &
N. J. JAMADAR, JJ.**

DATED : DECEMBER 17, 2018

P.C. :

1 Heard the learned counsel for the parties.

2 Advocate for the Petitioner submits that Respondent nos.4, 5 and 8 are supporting the Petitioner only. Therefore, it is not necessary to issue any notice to them. He submits that main contesting Respondents are Respondent nos.1, 2 and 3 who are appearing before this court.

3 Heard.

4 The learned counsel for the Petitioner submits that, in Appeal No.17 of 2017, the learned Divisional Joint Registrar, Pune Division, Pune initially passed order dated 18.10.2017 and granted stay to the order dated 26.09.2017. He submits that thereafter, the matter was on board on 12.11.2018. On that date, advocate for the Petitioner as well as Respondent were present but the learned Divisional Joint Registrar, Pune Division, Pune was not available because of some administrative work. In support of this contention, he relies on Roznama dated 12.11.2018 (page 97). He submits that thereafter authority has not continued the ad-interim relief granted earlier on 18.11.2017 inspite of application made to that effect. Hence, he has filed the present Writ Petition, only to continue the ad-interim relief granted on 18.11.2017 till the hearing and final disposal of the Appeal No.17 of 2017.

5 The learned counsel for the Respondent nos.1 to 3 vehemently opposed the present Writ Petition. He submits that the Petitioner failed to make appropriate Application before the Authority on the same date i.e. 12.11.2018. Therefore, there is no question of allowing the present Writ Petition. He further submits that, it is a discretionary power of the authority to continue the ad-interim relief or not. Therefore, Petitioner is not entitled to any relief under Article 227 of the Constitution of India.

6 We have heard both the sides at length.

7 It is to be noted that the Appeal No.17 of 2017 is pending

before the learned Divisional Joint Registrar, Pune Division, Pune for final hearing on its own merits. Next date of hearing is 08.01.2019.

8 Considering these facts, and the Roznama dated 12.11.2018 (page 97) of the petition, we are satisfied that without going into the merits of the matter, Petitioner is entitled to continue the ad-interim relief till the hearing and final disposal of the Appeal No.17 of 2017. Hence, following order is passed:

- a) Interim relief granted by learned Divisional Joint Registrar, Pune Division, Pune in Appeal No.17 of 2017 dated 18.10.2017 to continue till the hearing and final disposal of the said Appeal.
- b) Hearing of Appeal No.17 of 2017 is expedited.
- c) No order as to costs.

(N. J. JAMADAR, J)

(K.K. TATED, J.)