

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 488 OF 2018

Ganesh Shridhar Aadake,
deceased, through its legal heirs & Ors. Petitioners

VERSUS

Suresh P. Nagare & Anr. Respondents

None for the Petitioners.

Mr.H.M.Inamdar for the Respondent no.1.

CORAM : R.D. DHANUKA, J.

DATE : 11th JUNE, 2018

P.C.

None appeared for the petitioners when the matter was called out.

2. Mr.Inamdar, learned counsel for the respondent no.1 states that the petitioners have obtained *ex-parte* stay from this court on 15th January,2018 and as a result thereof, R.T.S.No.387 of 2017 filed by the respondents which is pending, cannot be proceeded with. He submits that this court may dispose of this writ petition with a direction to the Appellate Authority to dispose of the said RTS Appeal filed by the respondents expeditiously. Statement is accepted.

3. The impugned order passed on 13th December,2017 passed by the Upper District Officer, Nashik is set aside. The Upper District Officer, Nashik is directed to dispose of the appeal bearing

R.T.S.No.387 of 2017 filed by the respondents on its own merits expeditiously and not later than three months from the date of its hearing.

4. Both the parties are directed to appear before the learned Upper District Officer, Nashik on 22nd June, 2018 at 03.00 p.m.

5. Till such time, the said appeal is disposed of and for a period of two weeks from the date of communication of the order, *ad-interim* protection granted by this court on 15th January, 2018 to continue.

6. It is made clear that this court has not expressed any views on the merit of the RTS appeal filed by the respondents.

7. All the contentions of both the parties are kept open.

8. The respondents are directed to communicate this order to the petitioners' advocate.

9. The parties as well as the authorities to act on the authenticated copy of this order.

10. Writ petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]