

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPEAL FROM ORDER NO.38 OF 2019

(Shri Mangalmurti Properties and others Vs. Pushpadevi Parasmalji
Bora and others)

WITH

CIVIL APPLICATION NO.8440 OF 2019

Mr.B.R.Kedar, Advocate for the appellants.
Mr.A.D.Ostwal, Advocate for respondent No.1.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 22/07/2019

PER COURT :

1. I have heard the learned Advocates for the appellants and respondent No.1, for a considerable time. With their assistance, I have perused the appeal paper book.
2. The impugned interlocutory order dated 04/02/2019 restrains defendant Nos. 1 to 4, 6 to 10 and 16 to 24 from alienating or transferring the suit property held by them, to any third party.
3. Considering the cause of action set out in the suit, which is more than 4 years old, I find that dealing with this appeal would virtually amount to pre-judging the rights of the parties in connection with whether the impugned order should be continued or not. In my view, it would be appropriate to expedite the suit. Learned Advocate

for respondent No.1 is agreeable.

4. The learned Advocate for the appellants submits that if this Court is not inclined to entertain this appeal and direct the decision in the suit within a time frame, the parties may be put to notice that an adjournment on unreasonable grounds shall not be granted and costs would be imposed.

5. In view of the above, this appeal is disposed off. The Trial Court would decide Spl.C.S.No.35/2015 as expeditiously as possible and in any case on or before 31/03/2020. The parties shall be precluded from seeking unnecessary adjournments and any such request on unreasonable grounds shall be rejected.

6. The learned Advocates for the respective sides submit that the next date in the matter being 09/09/2019, can be pre-poned to 19/08/2019 for framing of issues. As such, the learned Trial Court shall prepone the matter to 19/08/2019 and shall cast issues. Parties are at liberty to suggest draft issues.

7. Pending civil application stands disposed off.

(Ravindra V.Ghuge, J.)