

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

19 APPEAL FROM ORDER NO.39 OF 2016
WITH CA/8361/2016 IN AO/39/2016

USAMAN SANDU PATHAN
VERSUS
CHAND SANDU PATHAN

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Advocate for Petitioners : Shri Sonpethakar P.N.

Advocate for Respondent : Shri Joshi Milind M.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: February 25, 2019

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PER COURT :-

1. I have considered the submissions of the learned Advocates for the respective sides.
2. The trial Court had clamped injunction against the defendants by order dated 19.3.2013 in RCS No.177 of 2013. The suit was subsequently dismissed and the original plaintiff approached the appellate Court. By the impugned order, dated 11.4.2016, the appellate Court has rejected application Exhibit 5, filed in RCA No.79 of 2016.
3. It is informed that the appeal paper book is likely to be prepared within a short time. The appellant would be depositing the paper book preparation amount, pursuant to the notice received, within this week.

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2- APPEAL FROM ORDER NO.39 OF 2016 & ANR

4. Considering the above, I find it appropriate to dispose off the Appeal from Order, in view of the ad-interim order passed by this Court on 15.6.2015 and direct the appellate Court to decide the appeal within a time frame.

5. As such, this Appeal from Order is disposed off. The appeal paper book shall be prepared by the concerned Section on/or before 15.3.2019. If the petitioner / appellant does not deposit the necessary charges within this week, the ad-interim relief granted by this Court on 15.6.2016 shall stand vacated without reference to the Court w.e.f. 2.3.2019. The litigating sides would conclude their oral submissions on/or before 5.4.2019 and the appellate Court would decide RCA No. 79 of 2016 as expeditiously as possible, and in any case, on/or before 30.4.2019, keeping in view that the issue involved in the matter is with regard to water.

6. The ad-interim protection granted by this Court on 15.6.2016, subject to the above directions, would continue upto 30.4.2019.

7. Civil Application No. 8361 of 2016 is accordingly disposed off.

(RAVINDRA V. GHUGE, J.)

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