

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8043 OF 2019

**MAHARASHTRA STATE ROAD TRANSPORT CORPORATION
THROUGH ITS DIVISION CONTROLLER
VERSUS
ANANT KRISHNARAO DASAPPA LRS PRAMARAO ANANT
KRUSHNARAO**

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Advocate for the Petitioner : Shri A. D. Wange

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 01st JULY, 2019.

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PER COURT :

1. This matter was not on board. Emergency was expressed by the petitioner and hence taken on the production board.

2. The petitioner is aggrieved by the order dated 20/06/2019 passed by the learned District Judge-4, Parbhani below Application Exhibit 22 in R.C.A. No. 119/2018 which reads as under :-

"Learned Advocate for the appellant submitted that already this Court granted status-quo to the order passed by respondent No.1. Thereafter, the matter was kept for final

hearing below Exhibit 05. Accordingly, both sides submitted their arguments on 19/11/2018 at Exh-05. But the order was not passed. Thereafter, the matter transferred to this Court. Hence, as per the Roznama it is kept for hearing at Exh.-05. Now the matter is posted on 15/07/2019. But in the meanwhile the appellant could not give application to continue the status-quo, hence either application be heard today or status-quo be continued till next day and appellant is ready to argue even finally.

2- After considering the submissions of learned advocate for the appellant status-quo to continue till 02/08/2019. Next date of the matter is 15/07/2019 but it is not possible to hear on 15/07/2019. Hence, the matter be fixed on 02/08/2019 for hearing on Exh-05 and status-quo to continue till 02/08/2019."

3. The petitioner is also aggrieved by the order dated 24/06/2019 passed by the same Court, by which, the status quo granted earlier was continued and the request for vacating the same has been refused.

4. The learned Advocate for the petitioner Corporation points out that this Court had passed an order dated 22/01/2019 in Writ Petition No. 844/2019 directing the said

Appellate Court to decide the application for stay or even the main Appeal itself as expeditiously as possible. In the alternative, it was ordered that the application for temporary injunction Exhibit 5 should be disposed off within eight weeks.

5. It appears to me that the learned District Judge-4, Parbhani has either lost sight of the directions of this Court dated 22/01/2019 or has ignored the said directions and has proceeded to hold in his order dated 20/06/2019 reproduced above that it is not possible to hear the matter on 15/07/2019 and posted the matter after six weeks to 02/08/2019.

6. In view of the above, this petition is disposed off with liberty to the petitioner to approach the learned District Judge-4, Parbhani to seek a preponement of the hearing on the Exhibit 5 application, from 02/08/2019 to 15/07/2019 which was the original date on which it was posted. The petitioner would serve the Appellant while moving such an application and the Appellate Court would then post the matter on 15/07/2019 and record the submissions of the learned Advocates on Exhibit 5 and shall deliver its order on Exhibit 5

as expeditiously as possible and in any case on or before 31/07/2019.

7. The learned Registrar (Judicial) of this Court would call upon the learned Principal District Judge, Parbhani to seek explanation from the learned District Judge-4 Shri O. R. Deshmukh as to the reasons for having flouted the directions of this Court set out in the order dated 22/01/2019. The explanation shall be placed before this Court on or before 31/07/2019.

(RAVINDRA V. GHUGE, J.)

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