

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4456 OF 2019

Hirabai Baburao Ahire (Mahar) & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

.....

Mr. N.L.Choudhari, Advocate for the Petitioners.

Mr. S.P.Tiwari, A.G.P. for the Respondent Nos. 1 to 4.

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 16-07-2019.

PER COURT :

01. The petitioners, original plaintiffs in R. C. S. No. 122/2012 are aggrieved by the Judgment dated 7.11.2017 delivered by the Appellate Court dismissing their Miscellaneous Civil Appeal No. 2/2014.

02. I have considered the strenuous submissions of the learned Advocate for the petitioners. My attention is drawn to the 6 grounds formulated in the memo of the petition. A host of factors are canvassed.

03. I find that the suit is 7 years old. By Order dated 15.3.2014, the Trial Court has partly allowed application Exh. 5 and has directed that the defendants be

restrained from alienating the suit land and creating third party interest. The petitioners, despite of the said Order being in their favour, have appealed to the Appellate Court, which has dismissed the appeal. Both the Courts below have, at a prima facie stage arrived at a conclusion that the plaintiffs have failed to establish their possession.

04. In view of the above I do not find that this petition deserves to be entertained. The same is therefore, dismissed.

05. Since the suit lodged in 2012 is almost 7 years old, it would be appropriate to request the Trial Court to decide the said suit as expeditiously as possible, keeping in view that the age of petitioner No. 1 is almost 77 years.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-