

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.9828 OF 2019

Laxman Narahari Ratnaparkhi

Petitioner

Versus

Narayan Babhanrao Dhas

Respondent

Mr. V.Y.Bhide, advocate for the petitioner.

Mr. A.A.Khande, advocate for Respondents.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 07th August, 2019

PER COURT:

1 The petitioner is original defendant in Special Civil Suit No.15 of 2013. The suit was decreed in favour of the plaintiff by judgment dated 16.04.2016. The petitioner has challenged the said judgment in Regular Civil Appeal No.25 of 2016. By the impugned order dated 17.06.2019, the appellate Court has rejected the application Exhibit-5 by which the appellant has sought an interim protection.

2 Since the appeal is already three years' old and as the decree holder contends that the decree has already been executed, subject to the objections of the judgment debtor, the appellate

Court could very well decide the pending appeal on its own merits or by taking into account the subsequent events, within two months.

3 In view of the above, this petition is disposed off.

4 The litigating sides submit that the next date before the appellate Court is posted on 03rd September, 2019 and they would appear before the appellate Court.

5 The appellant is at liberty to tender a private appeal paper book without seeking an adjournment on the ensuing date. The parties would canvass their submissions on 3rd September, 2019. The learned appellate Court shall endeavour to deliver its judgment in the appeal on or before 15th October, 2019.

RAVINDRA V. GHUGE
JUDGE

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