

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

**11 WRIT PETITION NO.4663 OF 2016**  
**WITH CA/11958/2019 IN WP/4663/2016**

MD HUSSAIN HAJI RIYADUDDIN DIED THROUGH LRS  
SHAIKH RAFI AHMED MD HUSSAIN AND OTHERS  
VERSUS  
HAJI KHAMARUDDIN HAJI RIYAJUDDIN SHAIKH AND  
OTHERS

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Advocate for Petitioners : Mr. Urgunde Suhas P.  
Advocate for Respondent Nos.1-1 to 1-6 : Mr. Y.M.Khan.  
Advocate for Respondent No.5 : Mr. R.K.Ashtekar.  
Advocate for Respondent Nos.8 to 10 : Mr. R.B.Deshmukh.  
Advocate for Respondent No./7 : Mr. A.R.Syed h/f Mr.  
G.R.Syed.

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**CORAM : V. K. JADHAV, J.**  
**DATE : 02.12.2019**

**PER COURT :-**

1. The petitioner-plaintiff has instituted the suit way back in the year 2008 and obtained the ex-parte order of temporary injunction below Exh.5 in the year 2008 itself. It appears that thereafter the said application Exh.5 in which the petitioner has obtained the ex-parte order of temporary injunction order, petitioner simply got the extension under one or another pretext, however, finally by impugned order dated 16.02.2016, the learned Judge of the Trial Court by referring the earlier

conditional order observed that the plaintiff is not found interested to argue Exh.5 on merits and accordingly rejected the same. The petitioner-plaintiff has preferred this Writ Petition against this order. It also appears that in the year 2016 itself by order dated 28.04.2016, this Court has directed that the injunction which was operating during the pendency of the suit shall continue to operate. In the back drop of all these factual aspect, by consent, the parties are hereby directed to maintain the *status quo* in respect of the suit property till the disposal of the suit. The Trial Court is hereby directed to dispose off the suit, as expeditiously as possible, preferably within a period of eight (8) months from the date of this order.

2. Parties shall appear before the Trial Court on 16.12.2019. Writ Petition is accordingly disposed off.

3. By consent, the pending Civil Application No.11958 of 2019 is also disposed off.

(V. K. JADHAV, J.)

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vmk/-