

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

WRIT PETITION NO.4763 OF 2018

VISHWATMAK JANGLI MAHARAJ TRUST KOKAMTHAN
THROUGH PRESIDENT

VERSUS

CHAMPALAL MOTILAL GANGWAL DIED THROUGH LRS
CHANDRABAICHAMPALAL GANGWAL AND OTHER

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Advocate for the Petitioner : Shri V. D.Hon Sr. Counsel with
Shri A. D. Shinde h/f.

Shri A. V. Hon.

Advocate for Respondent No.2 : Shri S. P. Shah.

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 14th JANUARY, 2019.

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PER COURT :

1. The petitioner - original defendant No. 3 is aggrieved by the judgment and order dated 12/09/2017 delivered by the Appellate Court, by which, Misc. Civil Appeal No. 41/2013, filed by the plaintiff, is allowed. The order of the Trial Court dated 28/06/2013, by which, the application for temporary injunction filed by the plaintiff in RCS No. 372/2010 was rejected, has been quashed and set aside and injunction has been clamped upon the petitioner.

2. This matter was heard for some time in the first session today. I called upon the learned Advocates to take instructions that since RCS No. 372/2010 is pending final hearing for almost more than 8 years, whether the suit could be expedited by maintaining the impugned order.

3. After lunch recess, when the matter is called out, Shri Hon, learned Sr. Advocate appearing on behalf of the petitioner submits that a tenancy issue had cropped up in the pending civil suit. The matter was referred to the tenancy Court. The petitioner has succeeded up to the Maharashtra Revenue Tribunal, Aurangabad by judgment dated 07/12/2018. Hence, the suit could be expedited and the impugned order could be maintained.

4. The learned Advocate for the respondent submits that as the impugned order is being maintained, there is no difficulty for expediting the suit. He, however, clarifies that the respondent would consider the further course of litigation with regard to the judgment dated 07/12/2018 delivered by the Maharashtra Revenue Tribunal.

5. In view of the above, this petition is disposed off. The Trial Court shall decide RCS No. 372/2010 as expeditiously as possible and in any case on or before 31/07/2019.

6. Needless to state, while deciding the suit, the Trial Court would not be influenced by the observations either made by the Trial Court in its order dated 28/06/2013 or by the Appellate Court in its judgment dated 12/09/2017.

(RAVINDRA V. GHUGE, J.)

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