

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

WRIT PETITION NO.12278 OF 2019

ARJUN BHAGWANRAO PAWAR
VERSUS
KAILAS BANSI RATHOD AND ANOTHER

...
Advocate for the Petitioner : Shri S. V. Natu
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CORAM : RAVINDRA V. GHUGE, J.

DATED : 06th NOVEMBER, 2019.

PER COURT :

1. The petitioner, the original plaintiff in Regular Civil Suit No. 131/2012, is aggrieved by the order dated 13/02/2017 passed by the Appellate Court refusing to condone the delay of 9 months 6 days caused in filing the Appeal for challenging the order passed below Exhibit 5 dated 30/07/2013 in RCS No.131/2012.

2. I have considered the strenuous submissions of the learned Advocate for the petitioner, who has relied upon the 7 grounds formulated in the memo of the petition. With his assistance, I have gone through the petition paper book.

3. By an interlocutory order dated 30/07/2013, the Trial Court has restrained defendant No. 2 from alienating the suit property or creating any third party interest till the decision in the suit. The petitioner filed a Civil Miscellaneous Appeal with a delay of 9 months 6 days. His application for condonation of delay in CMA No. 52/2016, has been rejected by the Appellate Court by the impugned order dated 13/02/2017.

4. I find that as the suit is more than 7 years old and the interlocutory order passed by the Trial Court is in force for more than 5 years, ends of justice would be met by expediting the suit. In view of the above, this petition is disposed off. The Trial Court shall decide RCS No. 131/2012 as expeditiously as possible and preferably on or before 31/10/2020.

(RAVINDRA V. GHUGE, J.)

shp/-