

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

WRIT PETITION NO.3949 OF 2019

SAYED ARIFODDIN SAYED ZIYA UDDIN
VERSUS
JAWAHAR SATYAPAL RATHOR AND OTHERS

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Advocate for the Petitioner : Shri A. D. Hande
Advocate for Respondent No. 1 : Shri S. S.
Gangakhedkar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 06th DECEMBER, 2019

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PER COURT :

1. I have heard the learned Advocates for the Petitioner and on behalf of Respondent No.1. Respondent Nos. 4, 8 and 11 are yet to be served. There is no interim relief in favour of the Petitioner.

2. I, therefore, called upon the learned Advocate for the Petitioner to take instructions as to whether the pending Regular Civil Appeal No. 22/2018 can be expedited and whether this petition in which

the Petitioner has challenged the interim protection granted to the respondents vide order dated 06/08/2018 by the Appellate Court, can be disposed off.

3. The learned Advocate for the Petitioner submits on instructions after lunch recess that the pending appeal may be expedited so as to be decided within three months and all contentions of the litigating sides be kept open.

4. He further submits that if the appeal is dismissed, the Appellate Court should not continue the protection without directing the appellants to deposit atleast 50 % of the mesne profits.

5. The learned Advocate for Respondent No.1 submits that all contentions of the appellant before the Appellate Court may be kept open.

6. In view of the above, this petition is disposed off with the following directions :-

(a) The impugned order dated 06/8/2018 is not being interfered with only on account of the passage of time.

(b) The appellants shall submit their private appeal paper book if not already deposited, before the Appellate Court in Regular Civil Appeal No. 22/2018, as expeditiously as possible and in any case on or before 15/01/2020.

(c) The litigating sides would advance their oral submissions in the said appeal on 30/01/2020 and 31/01/2020.

(d) The Appellate Court shall deliver its judgment in the said appeal on 29/02/2020.

7. Needless to state, in the event the appeal is dismissed and the appellants pray for protection for some period, the Appellate Court would impose certain conditions as regards the depositing of the

mesne profits, if such protection is deemed appropriate to be granted.

(RAVINDRA V. GHUGE, J.)

shp/-