

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14056 OF 2018

NANDED EDUCATION SOCIETY
VERSUS
NIRMALABAI NEMICHAND BAKLIWAL (DIED) THROUGH LRS
AND OTHERS

Advocate for Petitioner : Mr. P.R. Katneshwarkar.
Advocate for Respondent Nos. 2,3,5, 7 to 10 : Mr. G.R. Syed.
Advocate for Respondent No. 11 : Mr. R.K. Ingole Patil.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 07th January, 2019.

PER COURT :

1. I have heard the learned advocates for the respective sides.

2. By order dated 19/09/2018, the Trial Court has granted injunction in favour of the plaintiff in RCS No. 441/2010 and has partly allowed the counter claim in favour of the Educational Institution, in RCS No. 441/2010 and in RCS No. 573/2017, that was filed by the Education Society. The first appellate Court has dismissed MCA No. 88/18 and 89/18 by judgment dated 11/12/2018.

3. There is no dispute that the order of the Trial Court is in existence and the first suit was preferred in the year 2010. It is informed that this Court has passed an order on 04/01/2019, in Writ Petition No. 3471/2015 (disposed of petition), by which, time to decide RCS No. 441/2010 and 573/2017, has been extended by six months.

4. Considering the above, I find that as the society is restrained from interfering with the possession of the original plaintiffs in the first suit, ends of justice would be met by passing an equitable order and by directing all the litigating sides to render cooperation to the Trial Court for the expeditious disposal of the suits within the time framed granted by this Court, as stated above.

5. This petition, is therefore, disposed of. The order of the Trial Court dated 19/09/2018, would continue to bind the parties and the original plaintiffs or any person claiming through them or their assignees and they shall maintain status quo as regards the said property till the Trial Court decides the said suit within the time frame. The Trial Court would be at

liberty to refuse adjournments to the litigating sides, if they are based on unreasonable or trivial grounds.

(RAVINDRA V. GHUGE, J.)

S.PC.