IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO.1364 OF 2019

SHAIKH MARIUMBI SK MOHAMMAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioners : Shri Pawar D.B.
AGP for Respondents: Shri Yadav-Lonikar S.R.
...
CORAM : RAVINDRA V. GHUGE, J.
Dated: November 15, 2019
...

PER COURT :-

1. Though this matter is shown in the 'Await Notice Category', the petitioners have partly complied with the direction of this Court, dated 27.9.2019, by publishing the notice in the News Paper - Daily Sakal on 18.10.2019. However, a copy of the news paper was not supplied to the Writ Section.

2. None appears on behalf of respondents 2 to 4.

3. I have considered the submissions of the learned Advocate for the petitioners.

4. The learned Advocate submits that the delay condonation application filed by the original defendants is still pending after the first appellate Court stayed the judgment and decree by order dated

25.9.2018. The defendants are delaying the matter since the decree has been stayed. He prays that the appellate Court be directed to decide the delay condonation application expeditiously.

5. I find from the records that the appellate Court has earlier passed an order on 7.9.2018 that the decree is a preliminary decree. Notice was issued. No relief was granted to the defendants. Subsequently, though notice was yet to be served on the plaintiffs, the appellate Court granted ex-parte ad-interim relief on 25.9.2018.

6. In the peculiar facts as above, this petition is disposed off with a direction to the appellate Court to decide CMA No.271 of 2018 as expeditiously as possible and preferably on/or before 31.3.2020.

(RAVINDRA V. GHUGE, J.)

...