

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3615 OF 2019

Kasappa Nilappa Kesgond

...Petitioner

vs.

Dhareppa Ningappa Kesgond

...Respondent

Mr. Girish Agrawal I/b. Mr. U.R. Mankapure, for the Petitioner
Mr. I.S. Thakur I/b. Global Juris Consults, for Respondent

CORAM : M. S. SONAK, J.

DATE : APRIL 30, 2019

P.C.:

. Heard learned counsel for the parties.

2. On 23rd April, 2019 this Court made the following order:

“1] *Heard. Rule.*

2] *There shall be interim relief in terms of prayer clause (c). However, even the petitioner is directed to maintain status quo in respect of suit property and not to create any third party rights or otherwise alienate or part with possession of the suit property.*

3] *Further, it is clarified that this injunction order will not preclude the respondents from taking out appropriate proceedings to secure the eviction of the petitioner from the suit property, including, by way of seeking amendment to the plaint in the present case. If the respondent seeks leave to amend the plaint, such application to be decided by the learned Trial Judge expeditiously now that the trial is yet to commence in the suit.*

4) Further, pendency of the present petition, need not hinder the learned Trial Judge from proceeding in the suit/counter claim. The suit/counter claim is to be decided on its own merits and in accordance with law without being influenced by any observations in the impugned order or the fact that this Court has granted interim relief in the aforesaid terms.

5) Mr. Thakur waives service on behalf of the respondent.

6) Liberty to learned counsel for the parties to apply for early disposal of this petition.

7) All contention of all parties including the issue of maintainability of counter claim are expressly kept open.

8) Place the matter on 30th April 2019 for directions high on board."

3. Today the learned counsel for the parties request that the present Petition be disposed of in terms of the aforesaid order dated 23rd April, 2019 and further direction be issued for expeditious disposal of the R.C.S. No. 197 of 2015.

4. According to me, the request made by the learned counsel for the parties is reasonable and will subserve the ends of justice. Accordingly, this Petition is made absolute in terms of the direction contained in the aforesaid order dated 23rd April, 2019.

5. Further the learned trial Judge is directed to dispose of the aforesaid suit as well as the counter claim contained therein on its own merits, and in accordance with law, as expeditiously as possible but not later than 30th May, 2020.

6. It is once again made clear that all contentions of all the parties left open and whilst disposing the suit, the learned trial Court need not be influenced by any order made at the interim stage.

7. The Petition is disposed of in the aforesaid terms.

8. There shall be no order as to the costs.

9. All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)