

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3875 OF 2017

Ashwini Ravindra Kadam

.Petitioner

Vs.

Gopal Rama Chafekar & ors.

.Respondents

Mr. Yatin Malvankar i/b. Mr. Tanaji Mhatugade, Advocate, for the
Petitioner

Mr. Suresh M. Kamble, Advocate, for the Respondent No. 1

CORAM : REVATI MOHITE DERE, J.

DATE : 17.12.2019

P. C.

. Heard learned counsel for the parties.

2. By this Petition, the Petitioner has impugned the order dated 25.08.2016 passed by the learned District Judge - 6, Kolhapur in Misc. Civil Appeal No. 25 of 2015, by which the learned Judge was pleased to allow the Respondents' Misc. Civil Appeal and as such, quashed & set aside the order dated 02.12.2014 granted by the trial Court in favour of the Petitioners. By the said impugned order dated 25.08.2016, the Appellate Court restrained the defendants by an order of injunction from disturbing the possession of the Plaintiff over the suit land i. e. Gat No. 98 and also restrained them from creating any third party rights or interest in the suit land in any manner. The suit is of the

year 2013. Without going into merits of this Petition, it would be appropriate to direct the parties to maintain status-quo with respect to the suit land i. e. Gat No. 98 admeasuring 1 H 21 R. The order dated 25.08.2016 passed by the learned District Judge, Kolhapur to continue till the suit is finally disposed of. It is made clear that this Petition has not been heard on merits and as such, all contentions of both the parties are kept open. The learned Judge to dispose of the Civil Suit as expeditiously as possible and in any event within 12 months from the date of receipt of this order on its own merits uninfluenced by the order dated 15.08.2016.

3. Accordingly, the Petition is disposed of on the aforesaid terms.

(REVATI MOHITE DERE, J.)