

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8352 OF 2018

Sou.Bhimabai Nanaji Ahire
Through her GPA Holder ... **Petitioner**
Versus
Yamunabai Daulat Shevale & Ors. ... **Respondents**

.....
Mr.N.R.Bubna, Advocate for the Petitioner.
....

CORAM : A.M.BADAR J.

DATED : 7th NOVEMBER 2019.

P.C. :

1 This is a petition by the plaintiff challenging the rejection of his prayer for interim relief in the Regular Civil Appeal bearing No.123 of 2017 challenging dismissal of his suit.

2 Since the interim Order passed in the appeal is challenged in writ jurisdiction of this Court, this Court is of the considered opinion that instead of exercising the jurisdiction to test validity of the interim Order, the interest of justice could be served by directing the appellate Court to decide the appeal itself within prescribed time. The appeal is of the year 2017. The same, as such, must be ripe for final hearing.

3 Therefore, the Order :

ORDER

- (i) The Petition is disposed of with a direction to the learned Appellate Court to decide Regular Civil Appeal No.123 of 2017 within a period of one year from the date of communication of this Order to the said Court.
- (ii) Parties to act on authenticated copy of this Order.

(A.M.BADAR, J.)