

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8691 OF 2016**

Annappa Pandurang Kamble & Ors. ... Petitioners

Vs

Dilip Pandurang Todkar & Anr. ... Respondents

Mr. Vijay Killekar, Advocate for Petitioners.

Mr. Nagesh Y. Chavan, Advocate for Respondents No. 1 & 2.

CORAM : SANDEEP K. SHINDE J.

DATE : July 4th, 2019

P.C. :

1. Petitioners are the defendants in Regular Civil Suit No. 200 of 2014 instituted by the respondents, seeking decree of perpetual injunction. Pending suit, vide order dated 10.11.2014, the Trial Court restrained the defendants from disturbing the plaintiffs' possession in the suit property. Pending Miscellaneous Appeal, the Appellate Court directed the parties to maintain the status quo. The order directing the parties to maintain status quo has been continued by the Appellate Court, though Miscellaneous Civil Appeal has been dismissed on 29.06.2016. It is against the rejection of Miscellaneous

Civil Appeal, defendants have preferred this Writ Petition under Article 227 of the Constitution of India.

2. This Court vide order dated 09.08.2016, continued the order of status quo, which was passed by the Appellate Court on 31.12.2014.

3. It is submitted by the counsel, that parties to the suit are close to leading evidence. In view of this fact, I am not inclined to examine the impugned order on merits. However, since order dated 31.12.2014 is holding the field, the parties shall continue to maintain the status quo, till the conclusion of the trial. In view of this, the petition is dismissed and disposed of accordingly. It is further clarified that the Trial Court shall conclude the suit on its own merits, without being influenced by the order passed at the interim stage. The hearing of the suit is expediated.

(SANDEEP K. SHINDE, J.)