

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9933 OF 2015

Mangesh Nana Chatur & Anr. ..Petitioners.

V/s.

Smt. Mangal Rajendra Chatur & Ors. ..Respondents.

Mr.Dilip Bodke for the petitioners.

Mr.D.D. Rananaware for respondent No.1.

CORAM : M.S.SONAK, J.

DATE : MARCH 26, 2019

P.C.:-

Heard Mr.Bodake, learned counsel for the petitioners and Mr.Rananare, learned counsel for respondent No.1.

2. Challenge is to the order dated September 10, 2015 made by which learned District Judge-6, Satara injunction the petitioners from making construction over the suit property till further orders.

3. In this case, as the trial Court had rejected the application for injunction and the plaintiff have instituted Miscellaneous Civil Appeal No.56/2015 in which the aforesaid interim order came to be made.

4. On October 12, 2015, this Court made the following order :-

- “1. Heard Mr. Dilip Bodake, the Learned Counsel appearing for the Petitioners.*
- 2. Issue notice to the Respondents, presently restricted to the Respondent Nos.1 to 3 returnable on 16.11.2015. In addition to service of notice through Court the advocate for the Petitioners shall serve a private notice by Registered Post A.D. and/or by Courier service and/or by hand delivery on the Respondents and shall file affidavit of service before the returnable date.*
- 3. The order passed by the Trial Court rejecting the application for injunction has been set aside by the Appellate Court by the impugned order dated 10.09.2015. The parties are put to notice that the above Writ Petition may be heard and disposed of finally at the stage of admission. In the meantime, parties are directed to maintain status quo as on date.”*
5. The aforesaid order is in operation since October 12, 2015. It means that both the parties have been directed to maintain status quo in relation to the suit property.
6. The suit itself is of the year 2014. Therefore, interest of justice will be served if directions are issued for disposal of the suit within time bound schedule and in the meanwhile, the status quo order granted by this Court on October 12, 2015 is made to operate.
7. Accordingly, this petition is disposed of with direction to the learned trial Court to dispose of Regular Civil Suit No.148/2014 on

its own merits and in accordance with law as expeditiously as possible and in any case within a period of one year from today. During the pendency of the suit, the aforesaid order dated October 12, 2015 to operate. It means that both the parties are to maintain status quo in respect of the suit property.

8. Learned trial Judge to dispose of the suit 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 is granted status quo.

9. The petition is disposed of in aforesaid terms. There shall be no orders as to costs.

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

(M.S.SONAK, J.)