

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No.1801 of 2018
Ninad Deshbhratar and Ors. Vs. Anil Deshbhratar and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.W. Deshpande, Advocate for petitioners
Mr. K.N. Dadhe, Advocate for respondent No.3.

CORAM : MANISH PITALE, J.

DATED : NOVEMBER 13, 2019

By this writ petition, the petitioners (original plaintiffs), have challenged order dated 28/11/2017, passed by the Court of District Judge – 8, Amravati, whereby Miscellaneous Civil Appeal filed by the petitioners was partly allowed and the original defendant No.3 i.e. respondent No.3 herein was temporarily restrained from alienating the suit field, till decision of the suit.

2. It is significant that clause (iv) of the impugned order also directs the Trial Court i.e. the Court of Civil Judge (Junior Division), Morshi, to dispose of the suit within a period of six months from the date of the order.

3. The impugned order dated 28/11/2017, has been in operation for about two years and this Court is

of the opinion that the interest of the parties would be served if the main controversy itself is put to rest at the earliest by a specific direction to the Trial Court. In any case, as per the direction given in the impugned order by the Appellate Court, the interest of the petitioners is sufficiently protected for the present.

4. In view of above, the present writ petition is disposed of with a direction to the Trial Court to dispose of Regular Civil Suit No.8/2014, pending before the Court of Civil Judge (Junior Division), Morshi, within a period of six months from today.

JUDGE

MP Deshpande