

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
WRIT PETITION NO.2613/2016

Vitthal Yashvant Shashtrakar and another.

Vs.

Smt. Venubai Wd/o Balkrishna Shashtrakar and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri H.I.Kothari, Advocate for petitioners.
Shri S.A.Deole, Advocate for respondents.

CORAM : A.S.CHANDURKAR, J.

DATED : June 18, 2019

In the light of notice of final disposal issued earlier, learned counsel for the parties have been heard.

2. The petitioners are the original plaintiffs, who filed suit for permanent injunction seeking to restrain the respondents herein from alienating or creating third party rights in the suit property. In the plaint, it is their case that the lands in question were initially belonging to one Yashwant Shastrakar. He was having three sons namely both the plaintiffs and the husband of the original defendant no.1-Balkrishna. Further, it is their case that there was an oral partition in which land admeasuring 2.73 hectares each were given to the plaintiffs while Balkrishna was given land admeasuring 2.73 HR. The remaining 1.62 HR land was given to Sakhubai who was the widow of Yashwant. The dispute is with regard to that share in the land. The trial Court after considering the application for grant of temporary injunction was pleased to reject the said application. The appellate Court has confirmed the said order. This Court while issuing the

notice to the parties, directed the parties to maintain status-quo which order is operating since 4.5.2016.

3. The learned counsel for the parties argued in terms of their pleadings before the trial Court. While according to the plaintiffs, the defendant nos.2 and 3 have no right to alienate the share of Sakhubai it is contended otherwise by the said defendants. However, it is submitted on behalf of the said defendants that they are not concerned with the land admeasuring 2.73 HR being Survey No.199/1B.

4. Be that as it may, it is informed that the suit is at the stage of leading evidence. In the light of the fact that the order of status-quo has been operating since 04.05.2016, the interests of justice would be served by continuing that arrangement and directing expeditious disposal of the civil suit. Accordingly, without going into the merits of the dispute at this stage the proceedings in R.C.S.No.9 of 2014 are expedited. The trial Court shall endeavor to decide the same by the end of December, 2019. During the pendency of the suit, without prejudice to the rights and contentions of the parties, the order of status-quo as passed on 04.05.2016 shall continue to operate only with regard to land admeasuring 1.62 HR being Survey No.216 (old) and 199 (1/A) (new). The trial Court shall decide the suit on its own merits without being influenced by the observations made in this order.

5. With these directions, the writ petition stands disposed of with no orders as to costs.

JUDGE