

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

WRIT PETITION NO.4793 OF 2017

(KISHORE PARASHURAM GUNJKAR..VS.. KADUNA WAMAN UNDE)

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

Court's or Judge's orders

Shri S.A.Choudhari, Advocate for Petitioner.
Shri A.P. Chaware, Advocate for Respondent.

CORAM : Z.A.HAQ, J.

DATED : JULY 19, 2019.

Heard.

By the impugned order, the trial Court has permitted the respondent/defendant to place on record his written statement, though the time stipulated for filing written statement had expired. The impugned order is dated 16th November 2016.

The learned Advocates for the respective parties submit that though this Court has not stayed the trial, the civil suit has not made any progress.

In the facts of the case, I am not inclined to interfere with the impugned order especially as I find that the learned trial Judge has exercised the discretion vested in him judiciously.

It is submitted that the matter is fixed for hearing on application (Exh.5) filed by the petitioner/ plaintiff. It is undisputed that status-quo order is operating in favour of the plaintiff restraining the defendant from claiming any third party right, title or interest in the suit property.

In the above facts, in my view, the interests of justice would be sub-served by passing the following order:

- i) The impugned order is maintained.
- ii) The trial Court is directed to decide the civil suit, till 30th March 2020.
- iii) The parties agree that the status-*quo* order, already granted, shall continue till disposal of the civil suit and hearing on application (Exh.5) by the trial Court, will not be necessary.

The petition is **disposed** in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

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