

**FARAD CONTINUATION SHEET No.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO. 62/2017**  
 (MAHESH YUVRAJ RUPARELIYA & OTHERS **VERSUS** DHIRAJLAL BABULAL RUPRELIYA &  
 OTHERS)

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

Shri S.R. Deshpande, counsel for petitioners.  
 Shri V.D. Rupareliya with Shri P.S. Wathore, counsel for R-1.  
 Shri K.P. Sadavarte, counsel for R-2 & 3B.  
 Mrs. S.S. Jachak, A.G.P. for R-6 to 8.

**CORAM : A.S. CHANDURKAR, J.**

**DATE : APRIL 01, 2019.**

**C.A.W. NOS. 2571/2018 AND 2572/2018.**

These applications are allowed and the legal heirs are permitted to be brought on record. However, the other objections sought to be raised by the respondents as regards status of the said legal heirs is kept open for being raised before the trial Court and being decided therein. Present applications are allowed only for the purposes of entertaining the present writ petition.

The amendment be carried out accordingly.

Both the civil applications are disposed of.

**W.P. NO. 62/2017.**

In this writ petition, an order passed by the Appellate Court dated 20.08.2016 in Miscellaneous Civil Appeal No.10 of 2015 is under challenge.

By that order, the defendants were restrained from disturbing the possession of the plaintiff over 41R land that was purchased by him as per sale-deed dated 16.09.1997.

Though learned counsel for the parties sought to substantiate their respective contentions in challenge of and while supporting the said order, it is found that the order passed by the Appellate Court is dated 20.08.2016 and this Court has not passed any interim order in the writ petition. Considering the fact that the suit is of the year 2009 which is pending before the trial Court, the interests of justice would be served by directing its expeditious disposal instead of an adjudication at this interim stage.

Accordingly, the writ petition is disposed of by passing the following directions.

I. The proceedings in Regular Civil Suit No.105 of 2009 are expedited. The trial Court shall decide the suit on its merits and in accordance with law by the end of December-2019. It is clarified that the trial Court shall not be influenced by any observation made by the Appellate Court in the order passed in Miscellaneous Civil Appeal No.10 of 2015.

II. All respective rights and contentions including the entitlement of legal heirs of defendant no.8 are kept open for being urged before the trial Court.

The Writ Petition is disposed of in aforesaid terms. No costs.

**JUDGE**