

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

WRIT PETITION NO. 799/2019

Pushpabai Chandrabhan Chaudhary & ors.

..VS..

Prakash Laxman Pilleye & anr.

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

Court's or Judge's orders

Shri A. Gajbhiye, Adv h/f Shri N.B. Bargat, Adv for the petitioner(s)

CORAM : Z.A.HAQ, J.

DATED : 06/02/2019

By the order dated 24/07/2018, the trial Court allowed the application (Exh. 5) filed by the plaintiffs and restrained the defendants from disturbing peaceful possession of the plaintiffs over the suit property till the decision of the civil suit. This order is challenged by the defendants before the District Court in appeal. In the appeal, the defendants had filed an application (Exh. 10) praying that the parties be directed to maintain status-quo. By the impugned order, the learned District Judge has allowed the application (Exh. 10). Being aggrieved in the matter, the original plaintiffs have filed this petition.

The impugned order is dated 14/08/2018. In the impugned order, it is recorded that the present petitioners who are the respondents before the District Court had shown willingness to argue the appeal on merits. Even if the learned District Judge faced some difficulty in disposing the appeal immediately, it is not expected that in such a situation, miscellaneous civil appeal filed under Order 43 Rule 1 (r) of

the Code of Civil Procedure should be kept pending for about 6 months.

As the impugned order is operating since 14/08/2018, I am not inclined to interfere with it, however, the learned District Judge is directed to dispose the appeal till 08/03/2019.

With the above observations, the writ petition is **disposed**. No costs.

JUDGE

Ansari