

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 5343 OF 2016**

Bapu Dagadu Dhavale & Anr.	...Petitioners
Versus	
Machhindra Dagadu Dhavale & Ors.	...Respondents

Mr. Chandrakirti S. Zende i/b Mr. Jayesh Kocheta for the Petitioners

Mr. Pratap Patil for the Respondent Nos. 1 to 6

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 4th MARCH 2020

P.C. :

1 Heard learned counsel for the parties.

2 By this petition, the petitioners have impugned the order dated 12th January 2016 passed by the learned 5th Ad-hoc District Judge and Assistant Sessions Judge, Pune, below Exhibit 41 in Misc. Civil Appeal No. 456/2014 by which the Appellate Court was pleased to set-aside the order dated 5th November 2014 passed by the 16th Joint Civil Judge, Junior Division, Pune, below Exhibit 5 in Regular Civil Suit No. 1509/2013. By the impugned order dated 12th January 2016, the Appellate Court temporarily restrained the petitioners (original defendants) from alienating plaintiffs' share in the ancestral suit properties (except those properties

which were purchased in the names of defendant Nos. 1, 2 9 and 13 vide Sale Deeds) by way of mortgage, gift, lien and sale and also temporarily restrained them from creating third party interest. The said order is in operation since January 2016.

3 In view of the same, it would be appropriate to continue the said order dated 12th January 2016 till the suit is finally disposed of by the trial Court. It is made clear that this petition has not been considered on merits and as such, all contentions of all parties are kept open.

4 Having regard to the relation between the parties, it would be appropriate to direct the trial Court to decide the suit as expeditiously as possible and preferably within twelve months from the date of receipt of this order.

5 Petition is disposed of in the aforesaid terms.

REVATI MOHITE DERE, J.