

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4192 OF 2017**

Sharad Dattatray Shelke	]	..	Petitioner
vs.			
Nana Ganpati Bodare	]	..	Respondent

Mr.Sandip Phatale for Petitioner.
Mr.Rakesh Patil i/b Avinash Patil, for Respondent.

CORAM : N.R.BORKAR, J.**DATED : 7TH SEPTEMBER 2021.****P.C.:**

1] This Petition takes an exception to the Judgment and order dated 06.02.2017 passed by the Ad-hoc District Judge-1, Satara in Miscellaneous Civil Appeal No.136/2016.

2] In a suit filed by the Petitioner for specific performance and injunction an application for temporary injunction was filed. The learned trial Court allowed the said application and respondent/defendant was restrained from interfering with the possession of the Petitioner over the suit property so also they were restrained from creating third party interest.

3] An appeal was carried by the respondent/defendant against the order of trial Court. The appellate Court allowed the appeal partly and the appellate Court reversed the order of the trial Court to the extent of restraining the respondent/defendant from interfering with the possession

of the petitioner over the suit property. However, appellate Court maintained the order in respect of restraining the respondent/defendant from creating third party interest in the suit property.

4] By order dated 26.07.2018 this Court directed the parties to maintain status quo. The said order is in operation till today.

5] Admittedly, the suit is of the year 2014 and issued are already framed.

6] Considering the facts and circumstances of the case, in my view, it would be appropriate to direct the trial Court to decide the suit within a stipulated period instead of hearing the matter on merits, especially when the order of status-quo is operating since last three years.. Hence, order :

i] The trial Court is directed to decide the suit in question as expeditiously as possible, but in any case, within a period of one year from today.

ii] Interim order passed by this Court dated 26.07.2018 shall remain in operation during the pendency of the suit.

iii] Needless to mention that the trial court shall decide the suit on its own merits without being influenced by the finding if any recorded by the appellate Court while deciding the miscellaneous civil appeal.

iv] Writ Petition stands disposed of in above terms.

[N.R.BORKAR,J]