

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8034 OF 2021**

Laxman Dattatray Survase & Ors. .. Petitioners

Versus

Dhananjay Dashrath Ghodake & Ors. .. Respondents

...

Mr.S.P.Rajepandhare for the Petitioners.

...

CORAM: BHARATI DANGRE, J.

DATED : 26th NOVEMBER, 2021

P.C:-

1. The petitioner, who is the original plaintiff, is aggrieved by the order passed by the learned District Judge-2, Pandharpur in Misc.Appeal No.71 of 2021. By the said order passed on 12/11/2021, the Appellate Court who is seized of the appeal arising out of the order rejecting Exh.5, on being pressed for status-quo, records that if the application is allowed then it would be amounting to backdoor entry of the plaintiff to cause obstruction in the work undertaken by defendant No.6 and it is not permissible in law, since Exh.5 is rejected.

2. Learned counsel fairly states that the Misc. Appeal filed by him assailing the rejection of Exh.5 is already pending for consideration before the Appellate Court and the hearing of

the appeal is scheduled on 13/01/2022. In such circumstances, taking out the application for grant of status-quo or stay of the order when the appeal itself is pending for adjudication, is of no succor to the petitioner. Resultantly, the writ petition is dismissed.

3. The learned Judge, who is seized of Misc.Appeal No.71 of 2021, is requested to make an endeavour to expeditiously dispose of the appeal.

(SMT. BHARATI DANGRE, J.)