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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6940 OF 2016**

Smt. Shalan Appasaheb Desai and Ors. Petitioners.

V/s

Tukaram Appa Gangali and Ors. Respondents.

Mr. Anand Patil for the Petitioners.

Mr. Umesh Pawar i/b Mr. Prashant Bhavake for Respondent Nos. 1
and 2.

Mr. P.V. Rajan, AGP for Respondent No.4-State.

CORAM: NITIN W. SAMBRE, J.

DATE: JANUARY 19, 2021

P.C.:-

1] Heard respective Counsels.

2] The case of the Petitioners/Plaintiffs is, they are the owners of land bearing Gat Nos. 88 and 89 i.e. suit property and the Respondents/Defendants are trying to encroach upon the said property by taking disadvantage of order dated 10/05/2013 passed by the Tahsildar. As such they have sought injunction in the pending suit, which came to be rejected by the Trial Court vide order dated 02/07/2013 which order was confirmed by the Court of District Judge on 01/07/2014. As such, this Petition.

3] Mr. Patil, learned Counsel for the Petitioners produced certified copy of the judgment delivered by the Court of Civil Judge, Senior Division, Gadhinglaj in Regular Civil Suit No. 38 of 2014 wherein there are observations as regards conduct of Respondents of illegally creating right in the land of the present Petitioners. Apart from above, there operates order of status quo since the date of filing of the suit i.e. 7th October, 2014. I am informed that issues in the suit itself are not yet framed.

4] In the aforesaid backdrop, this Petition can be disposed of by directing continuation of the order of status quo till disposal of the suit. Since the suit is more than 5 years old, it is directed that Trial Court shall decide the suit expeditiously and in any case within a period of one year from today. Till then order of status quo shall continue to operate. Parties assure that they shall cooperate with the Trial Court for expeditious disposal of the suit.

5] Petition is accordingly disposed of.

(NITIN W. SAMBRE, J.)