

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12168 OF 2015

Shri Shivaji Aabasaheb Shinde & Ors. ... Petitioners

Vs.

Shri Shrimantrao Mahadev Shinde & Ors. ... Respondents

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Mr. Amit Sale with Mr. Tukaram Shendge for the Petitioners.

Mr. Rahul Patil i/b. Mr. Umesh Mankapure for the Respondents.

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CORAM: MADHAV J. JAMDAR, J.

DATE : 9th MARCH, 2021.

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1. Heard learned Advocate of the Petitioners and learned Advocate of the Respondents.
2. Mr. Amit Sale, learned Advocate of the Petitioners pointed out that the status quo order is operating since 6th March, 2014 till date and the same be continued till the disposal of the suit and the hearing of the suit be expedited.
3. Mr. Rahul Patil, learned Advocate appearing for the Respondents supported the impugned orders.
4. The Petitioners are original plaintiffs and the suit bearing Regular Civil Suit No. 6 of 2014 has been filed simplicitor for injunction. The learned Second Joint Civil Judge, Junior Division, Miraj by order dated 12th February, 2014 rejected the Application bearing Exhibit-5 in R.C.S. No. 6 of 2014. The Miscellaneous Civil

Appeal No. 46 of 2014 challenging the same was dismissed by the learned District Judge-5, Sangli by order dated 22nd September, 2015. However, it appears that by order dated 6th March, 2014 passed in said Misc. Civil Appeal No. 46 of 2014 the status quo order was passed and the same was continued till disposal of the said Misc. Civil Appeal. The learned District Judge after dismissal of Appeal by order dated 22nd September, 2015 continued earlier status quo order till appeal period.

5. The said status quo order is continued in the present Writ Petition by order dated 18th December, 2015 and the same was continued from time to time. This Court by order dated 27th September, 2016 continued the said status quo order by clarifying the same. Therefore, it appears that status quo order as clarified by this Court by order dated 27th September, 2016 is continued in this Writ Petition for more than six years.

6. Thus the factual position on record shows that the status quo order was continued from 6th March, 2014 by the Learned District Judge and thereafter by this Court by order dated 18th December, 2015 from time to time with the clarification as contained in order dated 27th September, 2016. Thus no useful purpose will be served by disturbing the said order of status quo after about 7 years. However, in the facts and circumstances of this case and in the interest of justice it is necessary to expedite the hearing of the suit.

7. Thus Writ Petition is disposed of by passing following order:-

ORDER

(i) The status quo order passed by the learned District Judge- 5,

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Sangli on 22nd September, 2015 is continued till the disposal of the Regular Civil Suit No. 6 of 2014 with the clarification as contained in the order dated 27th September, 2016 of this Court.

- (ii) The Learned Civil Judge, Junior Division, Miraj before whom the Regular Civil Suit No. 6 of 2014 is pending is requested to dispose of the suit expeditiously and in any case within a period of two years from today.
- (iii) The Writ Petition is disposed of in the above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)