

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No. 2217/2021

Ramdas s/o. Ukarda Mhatre and anr.

..VS..

Motiram s/o. Haribhau @ Harinarayan Chaware and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M. Tirukh, Advocate for the petitioners

CORAM : MANISH PITALE, J.

DATED : 25/06/2021

Hearing was conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.

2. By this writ petition, the petitioners have challenged the order dated 08.11.2019 passed by the Court of District Judge – 2, Achalpur (Appellate Court), whereby parties have been directed to maintain status quo in respect of possession till final decision of the appeal.

3. The learned Counsel for the petitioners (original defendants) submits that there was no ad interim injunction order operating during the proceedings before the trial Court and the suit was ultimately dismissed. In these circumstances, the Appellate Court ought not to have passed the impugned order.

4. At the same time, the petitioners claimed to be in possession of the suit property. Perusal of the impugned order shows that an order of status quo was earlier passed in the appeal and that the rival parties had agreed to maintain the same. Such a status quo order continued for sometime and then an application was filed for continuing the same. The impugned order is passed on such an application.

5. Considering the fact that status quo has been maintained by the parties during the pendency of the appeal, which was filed in 2018 and the impugned order itself was passed as far back as on 08.11.2019, this Court is not inclined to entertain the present petition. It would be in the interest of justice that the appeal itself is directed to be disposed of at the earliest.

6. Hence, the writ petition is **disposed of**, without interfering the impugned order and with direction to the Appellate Court to dispose of the appeal i.e. Regular Civil Appeal No. 78/2018, as expeditiously as possible and in any case, on or before 31st December, 2021.

JUDGE