

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

WRIT PETITION NO. 2040 OF 2021

Subodh s/o Satyanarayan Jaiswal

vs.

Shafullha Khan Mustafakhan

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S. U. Bhuyar, Advocate for the petitioner.

CORAM : MANISH PITALE J.

DATE : 18th JUNE, 2021

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

2. By this writ petition, the petitioner has approached this Court challenging an order dated 05/05/2021, whereby the Court below i.e. the Court of Adhoc District Judge, Achalpur has granted extension of status-quo in favour of the respondent in the pending appeal. It is brought to the notice of this Court that the suit filed by the respondent was dismissed for want of prosecution as far back on 18/11/2019 and the impugned order has been passed in the appeal filed against such order by the respondent.

3. It is submitted that when there was lock-down operating in view of pandemic, the Court below has wrongly granted extension of order of status-quo in the absence of the petitioner or his counsel. It is strenuously urged that when there was no interim order in the suit filed by the respondent, which was dismissed for want of prosecution, such an order of status-quo and its extension granted by the Court below is wholly unsustainable.

4. This Court is of the opinion that the ends of justice would be met by granting an opportunity to the petitioner to file an application for vacation of status-quo before the Court below. If such application is moved, the same can be disposed of expeditiously.

5. Accordingly, the Writ Petition is disposed of by granting liberty to the petitioner to move an appropriate application for vacation of status-quo before the Court below in the pending appeal within a period of two weeks. If such an application is moved in the stipulated period of time, the Court below shall take up the same for consideration immediately and pass appropriate orders within a period of three weeks of filing of such an application by the petitioner.

JUDGE