

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH : NAGPUR****Appeal Against Order No.52 of 2017**

SMT. SONALI NILESH DHOMNE

VS

ASHISH BHAGWANJI KAMBLE AND OTHERS

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

Court's or Judge's Order

Shri D.V. Dhondarkar, Advocate for the appellant.

Shri C.S. Kaptan, Senior Advocate assisted by Shri Sharma, Ad-
vocate for respondent No.3

Shri Ghare, Advocate for respondent No.4

CORAM : ANIL S. KILOR, J.

DATED : 06th DECEMBER, 2021

In this appeal order below Exh.5, dated 16.09.2017 passed in Special Civil Suit No.925 of 2013, partly allowing the aforesaid application, thereby restraining defendants or anybody claiming through them for creating third party interest in the suit property till the disposal of the suit, is under challenge.

2. There is one more order which is under challenge in this appeal i.e. order below Exh.90 which was allowed, restraining the defendant No.1 or anybody claiming through her from raising construction and

changing the nature of the suit property till final disposal of the suit.

3. This Court while issuing notice in this appeal, granted stay to the further proceedings. However, subsequently vide order dated 26.03.2018 the stay was vacated. As such both the orders below Exh.5 and Exh.90 are in force from 16.09.2017.

4. This appeal is pending from 2017.

5. Today, both the parties have fairly made a request to this Court to direct the trial Court to expedite the suit with continuity of orders below Exh.5 and Exh.90 till final decision in the suit.

6. At the same time, Shri Kaptan, learned Senior Advocate for respondent No.3, makes a request to direct the trial Court to decide the application filed by the plaintiff under Order XXXIX Rule 2-A before finally deciding the suit.

7. After considering the above referred background I am of the considered view that without observing anything on merit, it would be in the interest of both the parties to get the suit decided within stipulated period and accordingly, I pass the following order:

- i) The learned 6th Joint Civil Judge Senior Division, Nagpur is requested to expedite the suit and decide the same on or before 30.06.2022, as per the provisions of law.
- ii) It is further requested the learned trial Court to decide all the pending applications, including the application moved by the plaintiff under Order XXXIX Rule 2-A, before finally deciding the suit.
- iii) The appeal is, accordingly, **disposed of**.
- iv) No order as to costs.

[ANIL S. KILOR, J.]