

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6128 OF 2019

**SATISH BANSILAL SOMANI
VERSUS
BHARAT DATTOBA JAIBHAY**

Advocate for Petitioner : Mr. M.B. Kolpe
Advocate for Respondent : Mr. K.K. Kulkarni

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 10.03.2022

PER COURT :

1. After hearing the learned counsel for the petitioner and respondent, with consent, the petition can be disposed of finally by issuing the following directions :

i. The impugned order passed below exhibit 5 in Regular Civil Suit No. 197/2016 dated 02.06.2016 and the order passed by the lower appellate Court in MCA No. 42/2016 dated 14.10.2016, are quashed and set aside.

ii. The learned Civil Judge Junior Division, Osmanabad, shall frame issues on or before 31.03.2022.

iii. After framing the issues, the plaintiff shall examine his witnesses, if any.

- iv. After examination of the witnesses of the plaintiff, the defendant shall step into the witness box without seeking further adjournments and shall examine his witnesses, if any.
 - v. After examining the witnesses, the parties shall put forward their arguments and the learned Judge shall decide and dispose of the suit on its own merits, as expeditiously as possible, before 30.06.2022.
- 2. It is made clear that this Court has not expressed any opinion on the merits of the case.
 - 3. The petition stands disposed of in the aforesaid terms.
 - 4. The plaintiff and defendant shall maintain status quo on respect of the suit property as on today.

[PRITHVIRAJ K. CHAVAN, J.]