

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

912 WRIT PETITION NO.4263 OF 2017

ABDUL RAHEMAN NASER AHMED CHOUDHARI AND OTHERS
VERSUS
PRAMOD RAMKRISHNA AMBURE AND OTHERS

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Advocate for Petitioners : Mr. V.D. Salunke
AGP for Respondent/State : Mr. P.G. Borade
Advocate for Respondents 1 to 3 : Mr. S.N. Lale Yelwatkar

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CORAM : SMT. BHARATI H. DANGRE, J.
DATED : 23/02/2022

PER COURT :

1. The petitioner who is original defendant has approached this Court by assailing the order dated 30.11.2016 passed in Misc. Civil Appeal No. 70/2016 under which the appeal filed by the petitioner is dismissed and the interim statusquo order which was in operation stood vacated.

2. Being aggrieved by the aforesaid order the petitioner approached this Court by filing this writ petition. On 5th April 2017 this Court had directed that the tin shed erected by the petitioner shall not be removed. This position continues till today. The learned counsel for the petitioner is perfectly justified in submitting that now in 2022, the period of more than five years has been lapsed, the position of statusquo is continued as directed by this Court, in the circumstances,

it would be in the interest of both the parties that R.C.S. No. 326/2016 which is pending in the Court of Civil Judge, Junior Division, AUSA itself shall be concluded since the same is now scheduled for evidence.

3. I am in agreement with the submission of the learned counsel for the petitioner and the writ petition deserve to be disposed of by issuing directions to the learned Civil Judge, Junior Division, AUSA to culminate the proceeding R.C.S. No. 326/2016 within a period of six months from today.

Needless to state that both the parties shall extend their cooperation to the learned Judge in disposing of the said suit.

The position as directed to be maintained by interim order passed by this Court shall be continued till the conclusion of the civil suit.

Writ petition is accordingly disposed of.

[SMT. BHARATI H. DANGRE, J.]

ssc/