

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

WRIT PETITION NO.11676 OF 2021

DILIPSING NARAYANRAO PATIL DIED THR HIS LRS DR. JASWANT
DILIPSING PATIL AND OTHERS
VERSUS
NAYANKUWAR JITENDRASING RAWAL AND OTHERS

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Advocate for the Petitioners : Shri Talhar Ajay G.
Advocate for the Respondents : Shri A.B. Girase

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CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 27th January, 2022

Per Court:

1. Special Civil Suit No.36/2014 for specific performance of contract came to be filed by the respondents to the writ petition and the present petitioners were impleaded as the defendants in the said suit. The petitioners filed their Written Statement and also filed the Counterclaim. On 15.10.2020, the learned Civil Judge, Senior Division, Dhule was pleased to dismiss the suit with costs and decreed the Counterclaim filed by the petitioners and declared that the possession of the respondents over the suit property is illegal and therefore, the same was directed to be handed over to the petitioners within a period of three months.

Being aggrieved by the said judgment and decree, Regular Civil Appeal No.44/2020 was filed by the respondents under Section 43 of

the Code of Civil Procedure along with an application below Exhibit-5 for seeking stay to the decree. On 26.03.2021, the learned District Judge, Dhule, allowed the application filed by the respondents below Exhibit-5 in appeal and being aggrieved, the petitioners are before this Court.

2. Heard Shri Talhar, learned counsel for the petitioners and Shri Girase, learned counsel for the respondents. Being conscious of the position existing, being the order passed on 26.03.2021 granting injunction staying the execution of the judgment and decree passed in Special Civil Suit No.36/2014, the respective counsel express their consensus for disposing of the writ petition with a direction to decide the appeal within a period of six months.

3. Considering the said request to be reasonable and in any case, since the suit, which was filed, came to be decreed in 2020 and the appeal being ready for hearing, interest of justice would be better served if the learned District Judge-5, Dhule is directed to decide RCA No.44/2020 within a period of six months from today. This Writ Petition is, accordingly, disposed of, without expressing any opinion on the merits of the matter. Needless to state that the parties shall extend their cooperation to the learned District Judge in disposing of the appeal in a time bound manner.