

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

WRIT PETITION NO. 9116 OF 2022

Suresh Kondiba Hoke

.. Petitioner

Versus

The State of Maharashtra through
Collector and others

.. Respondents

Shri Mayur V. Salunke, Advocate h/f Shri V. D. Salunke,
Advocate for the Petitioner.

Shri S. S. Dande, A.G.P. for the Respondent No. 1.

CORAM : SANDEEP V. MARNE, J.

DATE : 30TH NOVEMBER, 2022.

FINAL ORDER :

. By this petition, petitioner assails order dated 16.06.2022 passed by the District Judge – 3, Osmanabad rejecting petitioner's application at Exhibit 05 seeking stay during the pendency of Misc. Civil Appeal No. 44 of 2022. The Trial Court has rejected application for interim injunction by order dated 25th March, 2022. Aggrieved by which the petitioner has instituted Misc. Civil Appeal No. 44 of 2022 before the District Judge, Osmanabad. Said application has been rejected by the District Court on 16.06.2022. In these circumstances, it would be appropriate that the District Court be requested to hear Misc. Civil Appeal itself within specified time rather than determining the need for grant of interim stay during the pendency of trial.

2. Accordingly, present petition is disposed of with a request to the District Judge – 3, Osmanabad to make an endeavour to decide Misc. Civil Appeal No. 44 of 2022 filed by the petitioner expeditiously and preferably within a period of two (02) months from today. There shall be no order as to costs.

[SANDEEP V. MARNE, J.]

bsb/Nov. 22