

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

907 WRIT PETITION NO.12039 OF 2021

ABDUL QADAR GULAM JILANI
VERSUS
THE NEW MODERN EDUCATION SOCIETY THROUGH ITS
SECRETARY SHAIKH IMTIYAZ AHMED GULAM AHMED

...
Advocate for Petitioner : Mr. Y. V. Kakde
Advocate for Respondent : Mr. S.R. Pande
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**CORAM : PRITHVIRAJ K. CHAVAN, J.
DATE : 19.04.2022**

PER COURT :-

A challenge in this petition is to an order dated 20.10. 2021 passed by the learned District Judge, Aurangabad in Misc. Civil Application No. 94 of 2020 by which the lower appellate Court reversed the order of the trial Court rejecting an application for temporary injunction *inter alia* directing the respondent/defendant not to obstruct the functioning of the Educational Institution till the disposal of the suit.

2. The lower appellate Court *inter alia* directed to dispose of the suit by giving opportunities to the parties within six months from the date of order passed by the said Court.

3. The respondents before the lower appellate Court therefore, approached this Court by way of a Writ Petition seeking writ of certiorari, qua the order dated 20th October, 2021 passed by the lower appellate Court.

4. After hearing the learned counsel for the parties for some time, they are *ad idem* to follow the direction issued by the lower appellate Court to dispose of the suit within six months.

5. Without going into the merits of the impugned order, the learned counsel for the petitioner, on instructions, seeks to withdraw the petition *inter alia* requesting to issue direction to the trial Court to dispose of suit within six months by maintaining status quo in respect of the the suit property. As such, the following order is passed :-

ORDER

- I) The petition is disposed off as withdrawn.
- II) The parties shall appear before the trial Court on 25th April, 2022.
- III) The learned trial Court shall proceed further in accordance with law by giving due opportunities to the parties.
- IV) The trial Court shall make an endeavour to decide and

dispose off the suit within a period of six months from the date of passing of this order.

- V) Meanwhile, the parties are directed to maintain status quo in respect of the suit property till the disposal of the suit.
- VI) This Court has not expressed any view on the merits of the case.
- VII) The petition stands disposed off in aforesaid terms with no order as to costs.

**(PRITHVIRAJ K. CHAVAN,)
JUDGE**

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