

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER No. 564 OF 2017
WITH
CIVIL APPLICATION No. 714 OF 2017
IN
APPEAL FROM ORDER No. 564 OF 2017****VAISHALI
ANIL
TIKAM**Digitally signed
by VAISHALI
ANIL TIKAMDate:
2022.04.04
14:52:46
+0530**Shri Kailas Maruti Nagare
(POA. Holder Pet. No.2) and Anr.****...Appellant****Vs.****Shri Shankar Maruti Nagare
(Deceased) and Ors.****...Respondents***** * * *****Mr. Pramod N. Joshi, Advocate for the Appellant****Mr. Tushar N. Sonawane, Advocate for Respondent No.3****Mr. Avinash H. Fatangare for Respondent Nos.4 to 8****Coram : Sandeep K. Shinde, J.****Dated: 1st APRIL, 2022.****P.C. :**

1. Heard learned counsel for the parties.
2. Appellant instituted Regular Civil Suit No. 141/2006 in the Court of Civil Judge, Junior Division, Niphad, Dist. Nashik. Wherein, he sought a decree to declare his proprietary right in the suit land, founded on partition amongst family members, effected on 20th April, 1992. Pending suit, vide order dated 23rd January, 2007, Learned trial court restrained the Respondent

(Defendant) Nos. 1 to 8, from disturbing the possession of the Plaintiff in the suit land. That order was confirmed in Misc. Civil Appeal No. 10/2007. The suit was dismissed on 18th October, 2016. However, the learned Trial Court extended the order of status quo till the filing of the Regular Civil Appeal. After which in Regular Civil Appeal No. 129/2016 on, 21st November, 2016, the Appellate Court directed the parties to maintain status quo in an application below Exhibit 'C' till further order. However, the said application was rejected on 20th April, 2017. In appeal from order, on 13th July, 2018, this Court extended the operation of the ad-interim order. The said order is in force till date. The Regular Civil Appeal is now listed for final hearing on 21st April, 2022 before the District Court.

3. In that view of the matter, I am not inclined to interfere with the impugned order dated 20th April, 2017 which in effect is in force, since the institution of the suit. Yet, it is made clear that the Regular Civil Appeal No. 129/2016 shall be decided on its own merits without being influenced by the order passed at the interlocutory stage either by the Trial Court or by this Court. Having regard to facts of the case, Appellate Court shall make an

endeavour to dispose of the appeal expeditiously. It is made clear that I have not heard the Appellants on merits.

4. Appeal is disposed of, including all applications therein.

(Sandeep K. Shinde, J.)