

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 9876 OF 2022

Atmaram Laxman Patil

Deceased Thr. Lrs. Naresh Atmaram Patil

and Ors.

...Petitioners

Vs.

Dattatraya Bhaskar Bhoir and Ors.

...Respondents

* * * *

**Mr. Vineet Naik, Senior Advocate i/b. Sachin K. Hande
for Petitioners**

**Mr. Sandesh D. Patil i/b Ms. Divya A Pawar-Patil for
Respondent Nos. 1 to 17**

Coram : Sandeep K. Shinde, J.

Dated: 8th September, 2022.

P.C. :

1. Heard Mr. Vineet Naik, learned counsel for the
Petitioners, and Mr. Sandesh Patil, learned counsel for
Respondent Nos. 1 to 17.

2. Registry to accept the affidavit of the Petitioner, if
filed within two weeks from today.

VAISHALI
ANIL
TIKAM

Digitally
signed by
VAISHALI
ANIL TIKAM
Date:
2022.09.15
14:06:05
+0530

Background Facts :

3. In the Special Civil Suit No. 160/2022, instituted by the Petitioners, for declaration and injunction, Learned Trial Court, vide Order dated 25th April, 2022, temporarily restrained Defendant Nos. 1 to 16 from disturbing Plaintiffs' possession over the suit land and from creating a third party interest therein. The order has been set aside in Misc. Civil Appeal by the Appellate Court, vide order dated 29th July, 2022. Feeling aggrieved thereby, this petition is preferred.

4. When the suit in question was instituted, Respondent No.18 (Defendant No.18) was not available for verification of the plaint due to his personal problem and in consequence thereof, he could not be arrayed as the Plaintiff; but arrayed as Defendant No.18.

5. In any case, after hearing learned counsel for the Petitioner for some time, Shri Vikas Krishna Patil, one of the Power of Attorney holder present in the Court on behalf of Respondent Nos. 1 to 17, has agreed and stated that pending suit, the Defendants shall maintain the status quo in respect of the suit property. Correspondingly, Mr. Naik, learned counsel for the Petitioner, on instructions, too agreed for the same.

6. As such, statements of learned counsel appearing for the parties that pending suit, the parties thereto shall maintain the status quo is recorded and accepted.

7. In consequence, the impugned order is set aside.

Thus the following order:

ORDER

(i) In view of the statement made by the learned counsel for the parties, pending Special Civil Suit No. 160/2022, parties thereto shall maintain status quo in respect of the suit property.

(ii) It is clarified that this Court has not heard the parties on merits.

(iii) All contentions of the parties are expressly kept open.

(iv) The Petition is disposed of in the aforesaid terms.

(Sandeep K. Shinde, J.)