

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10467 OF 2014

BALKRISHNA MARUTI SALUNKHE)...PETITIONER

V/s.

SHOBHA PANDURANG GAIKWAD & ORS.)...RESPONDENTS

Mr. Shankar Thorat a/w. Mr. Gurunath Walawalkar, Advocate for the Petitioner.

Mr. R.M.Momin, Advocate for the Respondent No.1.

CORAM : ABHAY AHUJA, J.

DATE : 19th DECEMBER 2022

P.C. :

1 By this petition, petitioner, who is the original defendant no.4 in Civil Suit No.347 of 2013, filed by the respondent no.1 in the Court of Civil Judge, Junior Division, Vaduj, is challenging the interim stay that had been granted to the respondent no.1 by the said Court. Mr. Thorat, learned counsel for the petitioner, would submit that the petitioner had originally purchased 5 R out of 4 hectares of the property from one Shri. Balaram Salunkhe, being

respondent no.5 herein, for a consideration. Learned counsel would submit that, thereafter, petitioner commenced construction on the said plot and there was no objection raised for a period of ten years. However, after about ten years, respondent no.1 claiming to be the owner of the said plot, filed the said suit before the Civil Judge Junior Division, Vaduj and obtained the impugned injunction. Learned counsel would submit that the suit is still pending before the Civil Judge Junior Division since the filing of the petition in the year 2014 and instead of going on to decide this matter, if this Court directs the expeditious hearing of the suit, that would be in the interest of parties. Learned counsel for respondent no.1 has no objection if such an order is passed.

2 At the joint request of the learned counsel for the parties, this petition is disposed with a direction to the learned Civil Judge Junior Division, Vaduj, to expeditiously decide the Suit No.347 of 2013, preferably within a period of six months.

(ABHAY AHUJA, J.)