

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

**WRIT PETITION NO.14634 OF 2017**

Vishwanath Fakira Pandit  
Through Special Power of Attorney  
Nanasaheb Vishwanath Pandit .... Petitioner

Versus

Ashok Keruba Manohare  
and others .... Respondents

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Mr. Hrishikesh V.Tungar, Advocate for the Petitioner  
Mr. Ujwal Patil, Advocate for Respondent Nos. 1 to 6  
Ms. Pallavi P. Wangikar, Advocate h/f Mr. R.V. Gore, Advocate  
for Respondent No.7

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**[CORAM : NITIN B. SURYAWANSHI, J.]**

**DATE : 08<sup>th</sup> MARCH, 2023**

**ORDER :**

1. By this petition, filed under Articles 226 and 227 of the Constitution of India, the petitioner challenges the order dated 18/11/2017 passed by the learned District Judge-1, Vijapur in Misc. Civil Appeal No.36 of 2017.

2. The petitioner is the original plaintiff, who has filed the suit against the respondents-defendants for injunction, restraining them from causing obstruction and interference in the peaceful possession over the suit property, and the open space between the property-A and B and the open space

between property-B and house of Bhima Pandit, which part of land Gat No.45 till the disposal of the suit.

3. The trial Court, after hearing the parties rejected the application. The said order was challenged by the petitioner in Misc. Civil Appeal No.36 of 2017, which is dismissed. Hence, the present petition.

4. Heard the learned advocate for the petitioner, learned advocate for respondent Nos. 1 to 6 and the learned advocate for respondent No.7. Perused the documents placed on record, grounds raised in the petition and the impugned order.

5. Admittedly, during the pendency of the Misc. Civil Appeal, *status-quo* order was operating in favour of the petitioner since 10/10/2017. After dismissal of the said Misc. Civil Appeal, this Court, vide order dated 21/12/2017, was pleased to continue the *status-quo*. The suit is listed for recording of evidence. The plaintiff has already filed his affidavit in lieu of examination-in-chief in the trial Court.

6. The learned advocate for the respondent Nos. 1 to 6 has raised the grievance that the plaintiff is not making himself available for cross-examination.

7. Considering the fact that the suit is listed for hearing, without going into merits of the matter, this Court deems it appropriate to partly allow the writ petition by continuing *status-quo* order till final decision of the suit.

8. The plaintiff shall make himself available for cross-examination, and the parties shall co-operate for expeditious disposal of the suit, which shall be decided within a period of six months from the date of receipt of writ of this order.

**[ NITIN B. SURYAWANSHI ]**  
**JUDGE**

S.P. Rane