

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5625 OF 2018

Madhumati Ashok Korekar & Anr. ... Petitioners

V/s.

Chandrakant Dattatray Tapkir & Ors ... Respondents

Digitally
Signed by
SHAMSOOR CILIB
PATHAN
Date:
2023.10.26
10:33:00
+05:30

Mr. Dilip Bodake, for petitioners.

Mr. Tejesh Dande a/w. Mr. Chinmay Deshpande i/by
Bharat Godhavi, for respondents.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 25, 2023

P.C.:

1. Petitioners are original defendant Nos.1 & 2 in a suit filed by respondents seeking relief of specific performance for execution of sale deed based on agreement to sell dated 17 November 2015.
2. In the said suit, the plaintiff applied for temporary injunction restraining defendant Nos.1 & 2 from obstructing plaintiff's possession over the suit property and restraining defendant Nos.1 and 2 from alienating the suit property.
3. The Trial Court by order dated 4 December 2017 rejected the application.
4. The Appellate Court by order dated 18 February 2018

allowed the appeal restraining defendants from disturbing plaintiff's possession over the suit property.

5. This Court on 17 July 2018 directed both the parties to maintain status quo as of 17 July 2018. The said order is in force for more than 5 years. The suit is ripe for hearing; hence, it would be in the interest of justice that the Trial Court is directed to decide Special Civil Suit No.55 of 2017 within one year from today.

6. The writ petition is disposed of by directing the Trial Court to decide the suit within one year from today.

7. It is made clear that observations made by the Appellate Court in the impugned order shall not come in the way of Trial Court while deciding the suit on its own merit.

(AMIT BORKAR, J.)