

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2154 OF 2018

(MURTUZA ALIHUSSAIN BABBAR..VS.. ANIL SHYAMRAOJI MASKE & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.P.Kariya, Advocate for Petitioner.
Shri Anup S.Dhore, Advocate for Respondent Nos.1 and 2.

CORAM : ANIL S. KILOR, J.
DATED : JUNE 14, 2023.

1. Both the Courts below held against the petitioner as regards temporary injunction sought by the petitioner and therefore, this petition.

2. This petition is arising out of the judgment and order dated 06/03/2018 passed by the learned Ad-hoc District Judge, Yavatmal in Misc. Civil Appeal No. 27 of 2017 confirming the rejection of the application Exh.5 by the trial Court vide order dated 27/09/2017.

3. The present petition was filed on 09/04/2018 and vide order dated 16/04/2018 this Court directed the parties to maintain status-quo and since then the status quo is in operation in the present matter. This petition is pending from last five years and in the meantime in the trial the stage has reached to recording of the evidence.

4. In the circumstances, considering the time period lapsed in between and the fact that from last five

years the order of status quo is continued, I am of the opinion that without going into merits of the present petition, the purpose would be served if the suit is expedited and the status quo is continued.

5. Both the parties are agreeable to this arrangement.

6. Accordingly, I pass the following order:

- i) The writ petition is disposed of with direction to the learned Civil Judge Junior Division, Ralegaon, District : Yavatmal to decide Regular Civil Suit No. 24 of 2017 and Regular Civil Suit No.26 of 2017 within a period of nine months from today.
- ii) Needless to mention that the order of *status quo* dated 16th April 2018 passed by this Court shall continue till disposal of the suit.

In the circumstances, there shall be no order as to costs.

JUDGE