

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

WRIT PETITION NO.2578 OF 2018

(SUNDARSINGH VINAYAKSINGH GAHARWAR (GAWALPACHI)...VS.. STATE OF MAH. THR.
COLLECTOR, CHANDRAPUR & OTH.)

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

Court's or Judge's orders

Shri V.D.Muley, Advocate for Petitioner.
Ms H.N.Jaipurkar, A.G.P. for Respondent Nos. 1 and 2.
Shri H.V.Thakur, Advocate for Respondent No.3.
Ms Kirti Satpute, Advocate for Respondent No.4.

CORAM : ANIL S. KILOR, J.
DATED : JANUARY 17, 2023.

1. Heard.

2. In this petition the judgment and order dated 22/03/2018 passed below Exh.14 by Ad-hoc District Judge-1, Chandrapur in Misc. Civil Appeal No.33 of 2017 is under challenge, whereby the learned lower appellate Court was pleased to allow the appeal and set aside the order below Exh.5, dated 05/04/2017 passed by Civil Judge Senior Division, Chandrapur allowing Exh.5 and thereby restraining the defendant Nos.2 to 4 from creating third party interest in the suit property, till decision of the suit.

3. The present writ petition was filed on 26/04/2018 and this Court on 27/04/2018 issued notices to the respondents and granted ad-interim relief in terms of prayer clause (ii) which reads thus:

“(ii) Grant ad-interim stay of the operation of the Judgment and Order at Annexure P-20 dated 22/03/2018 passed in Misc. Civil Appeal No.33 of 2017 by Adhoc District Judge-1, Chandrapur during the pendency of the present petition.”

4. Thus, because of the interim stay from last about more than 4 ½ years the order below Exh.5 dated 05/04/2017 is in operation.

5. The trial Court, while allowing Exh.5 has observed in Clause (3) of the operative part of the order that the defendant No.4 is Senior Citizen and therefore, the parties were directed to cooperate the Court to decide the suit till 30th April 2018.

6. Thus, considering the period during which the order of injunction is in operation i.e. from 05/04/2017, I am of the opinion that the purpose will be served if the petition is disposed of with direction to the trial Court to decide the suit expeditiously as observed in Clause (3) of the order passed below Exh.5, dated 05/04/2017 by continuing the interim relief granted by this Court till disposal of the suit.

7. Both the parties are interested in getting the suit decided, at the earliest, therefore, they are agreed for this arrangement. Accordingly, I pass the following order:

- i) The learned trial Court is directed to decide the suit as expeditiously as possible and in any case before 31/12/2023.
- ii) The interim order granted by this Court vide order dated 27/04/2018 shall operate till decision of the suit.

The Writ Petition is **disposed of** accordingly.

No order as to costs.

JUDGE

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