

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

Writ Petition (WP) No. 3957 of 2020

Tejas S/o Kamlakar Chawre

Versus

Bhanukumar Gulabsa Daryapurkar and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.K.Mohta, Advocate for the petitioner.

Shri A.P.Tathod, Advocate for the respondents.

CORAM : ANIL S. KILOR, J.

DATED : 20th FEBRUARY, 2023.

Heard.

2. In this writ petition, order below exhibit 91 dated 10th August, 2020, passed by Civil Judge, Senior Division, Mangrulpir in Special Civil Suit No. 02/2018 whereby the parties were directed to keep the position in respect of the suit properties as it is till further order, is under challenge.

3. This Court vide order dated 6th October, 2020 while issuing notice for final disposal, granted ad-interim stay in terms of prayer clause (ii) i.e. stay to the impugned order granting status-quo.

4. Learned counsel for the respondents has pointed out that after ad-interim order was passed by this Court, the petitioner has sold out three properties

which were part of the suit property to which the learned counsel for the petitioner is not disputing.

5. For the above referred reason, when this Court has expressed that, considering the conduct of the petitioner, the Court is not inclined to entertain this writ petition, a statement was made on instructions by the learned counsel for the petitioner that the petitioner will not create third party interest in the suit property till the disposal of the application Exhibit 5 for temporary injunction. He further prays for direction to the learned trial Court to decide the application Exhibit 5 at the earliest.

6. In the circumstances, the undertaking given by the petitioner that he will not create third party interest over the suit property till the disposal of application Exhibit 5, is accepted and writ petition is disposed of with directions to the learned Civil Judge, Senior Division, Mangrulpir to decide the application Exhibit 5 filed in Special Civil Suit 02 of 2018 within a period of three months from today. The writ petition is disposed of.

7. It is needless to say that the trial Court shall decide the application Exhibit 5 on its own merit.

[ANIL S. KILOR, J.]