

Ajay

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

WRIT PETITION NO. 5063 OF 2022

Vilas Tukaram Pawar

.. Petitioner

Versus

Ganpat Mugutrao Langute and Ors.

.. Respondents

-
- Mr. Dhananjayrao D. Rananaware, Advocate for Petitioner.
 - Mr. Vishwanath Talkute, Advocate for Respondent No.1.
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 05, 2024.

P.C.:

1. Heard Mr. Rananaware, learned Advocate for Petitioner and Mr. Talkute, learned Advocate for Respondent No.1.

2. The present Writ Petition impugns the order dated 18.11.2021 passed in Misc. Civil Appeal which reverses the Exhibit “5” order dated 21.10.2021.

3. Suit is filed by the Plaintiff for a declaration and being an owner having preferential right to purchase the Suit properties which have been transferred by Defendant Nos.1 to 3 to Defendant No.5.

4. Several questions of facts and of law have arisen in the Suit proceedings namely; in view of the fact that the dispute between the parties is infact between the successors-in-title of the two wives of late Mr. Mugutrao Langute. Substantial properties have been left behind

by Mr. Mugutrao Langute over which the dispute has arisen. It is seen that the parties are all related to each other save and except Defendant No.5 who is the subsequent purchaser. It is seen that Defendant No.1 is the step brother of the Plaintiff, Defendant No.2 is the step mother of the Plaintiff, Defendant No.3 is the step sister of the Plaintiff and Defendant No.4 is the real mother of the Plaintiff.

5. Without expressing any opinion on merits of the matter, since the order dated 18.12.2012 is a well reasoned order, the learned Trial Court is directed by this Court to decide the hearing in Suit No.165 of 2021 as expeditiously as possible and in any event within a period of one (1) year from today.

6. It is clarified that the learned Trial Court shall not grant any unnecessary adjournments to the parties unless if it is utmost necessary due to any emergency / exigency.

7. Parties are directed to cooperate with the Trial Court for expeditious disposal of the Suit proceedings.

8. All contentions of the parties are expressly kept open before the learned Trial Court.

9. It is clarified that learned Trial Court shall not be influenced by any observations made in this order as the same are *prima facie* in nature.

10. Both the parties are directed to maintain their respective *status quo* as on date in respect of the Suit properties until the culmination of the trial.

11. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

Ajay