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

WRIT PETITION NO. 4592 OF 2021

Pushpa Hanmant Bhilare

.. Petitioner

Versus

Sudhir Maruti Chikne and Ors.

.. Respondents

-
- Mr. Dhananjayrao Rananaware, Advocate for Petitioner.
 - Mr. Ajit J. Kenjale a/w. Mr. Sai R. Kadam, Advocate for Respondent Nos.1 to 6.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 05, 2024.

P.C.:

1. Heard Mr. Rananaware, learned Advocate for Petitioner and Mr. Kenjale, learned Advocate for Respondent Nos.1 to 6.

2. Parties before the Court are brothers / siblings. Defendant No.1 incidentally during the interregnum sold his (undivided) share to Defendant Nos.6 and 7. All three namely; Defendant Nos.1, 6 and 7 have harvested the sugarcane crop coming to the share of Defendant No.1 though it is contended that the Suit property is undivided property. It is seen that the Plaintiff is also harvesting his crop whereas Defendant No.1, 6 and 7 are harvesting their crop. The Suit is filed for partition by the Plaintiff. Suit property is Gat No.14 having area ad-measuring 3 H, 15 R situated at Bargewadi, Taluka Koregaon, District Satara. Considering that the Suit has been filed in the year

2012 and the trial has not progressed save and except parties fighting with each other on the basis of mutation entry and harvest of the Suit crop every year, it is directed that the learned Trial Court shall determine and decide Regular Civil Suit No.232 of 2012 within a period of six months from today strictly in accordance with law positively.

3. It is clarified that, this Court has not expressed any opinion about the merits of the matter including on the impugned order dated 01.11.2019 passed in Misc. Civil Appeal as also the order dated 13.04.2018 passed by the learned Trial Court which are the subject matter of the present Writ Petition.

4. It is clarified that parties shall not take any unnecessary adjournments and the Trial Court shall grant adjournment only if it is utmost necessary.

5. Parties assure this Court that they shall cooperate with the Trial Court for expeditious disposal of the Suit proceedings.

6. Needless to state that all contentions of both the parties are expressly kept open before the learned Trial Court.

7. Needless to state that both parties are directed by this Court to maintain their respective *status quo* until the determination of the Suit proceedings.

- 8.** With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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