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

WRIT PETITION NO. 1812 OF 2024

Sayara Yunnus Inamdar and Ors.

.. Petitioners

Versus

Iman Abdul Shaikh and Ors.

.. Respondents

-
- Mr. Vinayak B. Gadekar i/by Ms. Jidnyasa P. Rankar, Advocate for Petitioners.
 - Mr. S.R. Nargolkar a/w. Ms. Neeta Patil, Advocates for Respondent Nos.3, 4 and 8.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 14, 2024.

P.C.:

1. Heard Mr. Gadekar, learned Advocate for Petitioners and Mr. Nargolkar, learned Advocate for Respondent Nos.3, 4 and 8.

2. In view of the substantive order dated 12.02.2024 read with the order dated 26.02.2024, Mr. Nargolkar appears for Respondent Nos.3, 4 and 8.

3. The impugned order dated 01.04.2022 has been passed in Application filed below Exhibit “32” in Regular Civil Appeal No.58 of 2019 which is the subject matter of challenge before me.

4. Mr. Nargolkar in his usual fairness would submit that Respondent Nos.3, 4 and 8 shall abide by the directions contained in the aforesaid two orders, but would urge the Court to pass a direction

to the District Court to dispose of Regular Civil Appeal No.58 of 2019 as expeditiously as possible and in the interest of justice so as to resolve the controversy between the parties finally. He would submit that in the meanwhile until the Appeal is disposed of, he has received instructions to submit that Respondent Nos.3, 4 and 8 shall not create any third party right in respect of the tin sheds constructed on the Suit land nor change the nature of the Suit land / structures therein until the disposal of Appeal.

5. In view of the above, both the parties assure the Court that they shall appear before the District Court for seeking immediate disposal of Regular Civil Appeal No.58 of 2019 strictly in accordance with law. It needs to be noted that the said Appeal is filed against the decree passed in Special Civil Suit No.65 of 2015 and any decision therein shall govern the rights of not only the Petitioners (sisters) before me but also the Respondent Nos.3 and 4 as also the subsequent purchaser i.e. Respondent No.8.

6. In that view of the matter, without expressing any opinion on merits of the matter, the learned District Court is directed to dispose of Regular Civil Appeal No.58 of 2019 within a period of four weeks from today. Needless to state that the impugned order is quashed and set aside with the clarification and directions given herein above.

7. Both the parties shall appear before the District Court alongwith an authenticated copy of this order on Monday i.e. 18th March, 2024 at 10:30 a.m. on which date the learned District Court is requested by this Court to determine the schedule for hearing the Appeal proceedings at its own convenience.

8. It is further clarified that, this Court has not expressed any opinion on merits of the matter and the learned District Court shall not be influenced of any of the observations and findings made by this Court in the aforesaid two orders which are purely *prima facie* in nature. The Appeal shall be disposed of on its own merits in accordance with law.

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

[MILIND N. JADHAV, J.]

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