

Ajay

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

**WRIT PETITION NO. 8000 OF 2018
WITH
INTERIM APPLICATION NO. 179 OF 2020
IN
WRIT PETITION NO. 8000 OF 2018**

Vikas Vishnu Takawale and Anr.

.. Petitioners

Versus

~~Vijay Vishnu Takawale~~

(Since Deceased Through LRs.

Through Power of Attorney

Mrs. Sadhana Vijay Takawale and Ors.

.. Respondents

.....

- Ms. T.J. Kapre, Advocate for Petitioners.
- Mr. Ajit Tamhane a/w. Mr. Ashish Ghadge and Mr. Rohan Tamhane, Advocates i/by Tamhane & Co. for Respondents.

.....

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 08, 2024.

P.C.:

1. Heard Ms. Kapre, learned Advocate for Petitioners and Mr. Tamhane, learned Advocate for Respondents.

2. The impugned judgment in the present case is passed by the District Court in Exhibit “5” proceedings dated 28.06.2018 which reverses the order below Exhibit “5”.

3. Petitioner is the Plaintiffs. Defendant is the real brothers of the Plaintiffs. Petitioner has filed Suit for partition of the Suit property. Exhibit “5” came to be partly allowed on 18.04.2017 in

favour of the Petitioner. It is seen that the Petitioner as well as Respondent i.e. Plaintiff's and Defendant's family members are all residing in the Suit property.

4. In view of the above facts, I have impressed upon both the learned Advocates to determine the Suit proceedings expeditiously. I therefore refrain from passing any order on merits which would otherwise affect the merits of the case of either of the parties. Direction is given to both the parties to maintain *status quo* of their respective holdings in the Suit property which shall be determined subject to the final decision in Special Civil Suit No.1439 of 2016.

5. Considering that 8 years have already lapsed, learned Trial Court is requested by this Court to decide the Special Civil Suit No.1439 of 2016 as expeditiously as possible and in any event within a period of one (1) year from today.

6. Both the parties are directed to appear before the learned Trial Court alongwith draft issues to be framed and an authenticated copy of this order on 11th March, 2024 at 10:30 a.m.

7. Learned Trial Court is directed to take cognizance of this order and frame the issues either on that date or any date convenient to the Trial Court and adhere to the fact that the Suit be expedited and decided strictly in accordance with law.

8. With the above directions, Writ Petition is allowed and disposed.

9. In view of disposal of the Writ Petition, pending Interim Application No179 of 2020 does not survive and is also disposed.

[MILIND N. JADHAV, J.]

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Date: 2024.03.08
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