



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

WRIT PETITION NO.28 OF 2024

Smt. Vijayatai Wd/o Jambuwantao Dhote .Vs. Sumit Rameshchandra Bajoriya

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

Court's or Judge's Order

Shri R.M. Bhangde, Advocate for petitioner.

Shri A.A. Naik, Advocate for respondent.

CORAM : ANIL S. KILOR, J.

DATED : 26/04/2024

1. The petitioner is the original defendant. The application Exh.5 was preferred by the plaintiff in a suit for declaration and permanent injunction which was allowed vide order dated 20.12.2022 by the trial Court.

2. The appeal preferred against the same came to be dismissed on 31.08.2023. During the pendency of the appeal, the status quo was in operation as regards the possession and after filing of this writ petition, the same was continued vide order dated 03.01.2024.

3. In the meantime, the suit has progressed and now fixed for evidence. In the circumstances, I am of the opinion that, at this stage, any observations on merit while deciding this writ petition may influence the learned trial Court which may cause prejudice to either of the party. In

the circumstances, for ends of justice, I am of the view that, it would be appropriate to dispose of the present writ petition by maintaining the order of status quo as regards possession with direction to the learned trial Court to expedite the suit and decide the same within stipulated period.

4. Both the parties are agreed for this arrangement and undertakes to cooperate the learned trial Court to decide the suit expeditiously.

5. Reply filed by the learned counsel for the respondent is taken on record.

Accordingly, the writ petition is **disposed of**.

6. The learned trial Court is directed to decide the suit namely R.C.S. No.42 of 2022 expeditiously and in any case within one year.

7. In the meantime, the status quo granted by this Court vide order dated 03.01.2024 shall continue as regards possession till the decision of the suit.

JUDGE