



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

WRIT PETITION NO. 3814 OF 2024

(Pundlik S/o Waghaji Shelke

Vs.

Shrikrushna S/o Pundlik Shelke & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P.R. Agrawal, Advocate for the Petitioner.

CORAM: N.R. BORKAR, J.

DATED : 2nd JULY, 2024

Heard.

2. This Petition takes exception to the order dated 09.01.2024 passed by the learned District Judge-1, Mangrulpir below Exh. 5 in R.C.A. No. 16/2023.

3. The Respondents herein have filed the above appeal against the judgment and decree of the Trial Court dated 27.09.2023, by which the Trial Court has decreed the suit filed by the present Petitioner for declaration and injunction. By the order impugned, the Trial Court has allowed the application filed by the Respondents for stay to the decree passed by the Trial Court.

4. The learned Counsel for the Petitioner, submits that there was a cross suit filed by the Respondents for

perpetual and mandatory injunction. It is submitted that, the Trial Court after considering the evidence on record has held that, the Petitioner is exclusive owner and possessor of the suit property and accordingly decreed the suit filed by the Petitioner and dismissed the suit filed by the Respondents. It is submitted that, the first Appellate Court, therefore ought not to have stayed the decree.

5. Considering the facts and circumstances, instead of entertaining the Petition on merit, it would be appropriate to direct the Appellate Court to decide the appeal expeditiously. There appears to be one more appeal filed by the Respondents against the dismissal of their suit being R.C.A. No. 17/2023. The learned Appellate Court shall make endeavour to decide R.C.A. No. 16/2023 and R.C.A. No. 17/2023 as early as possible in any case within a period of six months from the date of receipt of the copy of this order.

6. The Petition is **disposed** of in the above terms. No costs.

7. Pending application/s, if any, shall stand disposed of accordingly.

(N.R. BORKAR, J.)