



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

21 WRIT PETITION NO. 2700 OF 2016

Prabhakar Narayansingh Pardeshi

....Petitioner

VERSUS

Chandrakishor Ramdas Bairagi And Another

.....Respondents

.....

Mr. A.S. Sawant, Advocate for the Petitioner

Mr. J.R. Shah, Advocate for respondent No. 1

.....

CORAM : MANJUSHA DESHPANDE, J.

DATE : 17th FEBRUARY, 2025

ORDER :

1. By way of present writ petition, petitioner has challenged the judgment and order dated 22.01.2016 passed by District Judge-1, Nandurbar in Misc. Civil Appeal No. 6/2015, whereby appeal filed by respondent No. 1 i.e. defendant No. 1 came to be allowed.

2. It is the contention of the petitioner that application Exhibit-5 filed by petitioner was allowed by order dated 17.03.2015 and defendant No. 1 was temporarily restrained from making any kind of construction over suit property i.e. City Survey No. 453/4 situated at Nandurbar till disposal of the suit. Being aggrieved by said order, defendant No. 1 preferred Misc.

Bhagyawant Punde

Civil Appeal No. 6/2015 before District Judge-1, Nandurbar. Said appeal came to be allowed by order dated 22.01.2016 and order passed below Exhibit-5 has been set aside.

3. When the petitioner approached this Court, while issuing notice on 11.03.2016, this Court protected the petitioner by granting ad-interim relief in terms of prayer clause (B), thereby granting stay to the judgment and order dated 22.01.2016 passed by District Judge-1 in Misc. Civil Appeal No. 6/2015.

4. Learned advocate for respondent No. 1, on instructions, makes a statement that since already ad-interim relief is operating against defendant No. 1, the writ petition can be disposed of by expediting the suit and by continuing the ad-interim relief till disposal of suit.

5. In view of concession given by learned advocate for respondent No. 1 on oral instructions from respondent No. 1, in my opinion, it would be appropriate to dispose of the writ petition by directing the Trial Court to expedite the suit.

6. Trial Court shall expedite the suit and decide the same within 15 months from the date of receipt of this order. Ad-

interim relief granted by this Court shall continue till disposal of the suit.

7. It is made clear that so far as disposal of suit is concerned, parties shall co-operate the Trial Court for expeditious disposal of the suit without seeking unnecessary adjournments.

8. In that view of the matter, writ petition stands disposed of.

(MANJUSHA DESHPANDE, J.)