



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 WRIT PETITION NO. 5958 OF 2024

TAHERALI BABANSAB MUJAWAR
VERSUS
ANKUSH YESHWANTRAO JADHAV AND OTHERS

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Ms. Madhaveshwari S. Mhase, Advocate for the Petitioner
Mr. H. V. Patil, Advocate for respondent No.1.

CORAM : R. M. JOSHI, J.
DATE : 21st APRIL, 2025

PER COURT :-

1. This petition takes exception to the order dated 2nd January, 2020 passed by the First Appellate Court in R.C.A. No. 8 of 2019 whereby the judgment and decree impugned before it came to be stayed.
2. Learned counsel for the petitioner submits that though the District Court had made observation about expediting the hearing of appeal, for last six years the appeal has not been taken up for hearing. It is her submission, on instructions, that the order passed by the Appellate Court can be continued provided that the appeal is directed to be disposed off within a reasonable time.
3. Learned counsel for the respondent, on instructions, records consent for the same.

4. Considering the fact that impugned order came to be passed on 2nd January, 2020, there is propriety in going into the merit of the said order. Since both parties are at ad idem to say that the disposal of the appeal in time bound manner will take care of their interest, the Appellate Court is directed to decide R.C.A. No. 8 of 2019 on or before 31st December, 2025 on merits.

5. The Registry of District Court is directed to expedite the preparation of paper book. It is also open for the First Appellate Court to seek private paper book.

6. Petition stands disposed of, in above terms.

(R. M. JOSHI, J.)

ssp