

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

945 WRIT PETITION NO. 14367 OF 2023

Sushila Maroti Tuppekar

VERSUS

The Divisional Controller Msrtc

...

Mr. J. M. Murkute - Advocate for the Petitioner

Mr. Anilkumar B. Dhongade - Advocate for Respondent

...

CORAM : NEERAJ P DHOTE, J.

DATED : 14TH NOVEMBER, 2025

PER COURT : -

1. Heard the learned Advocate for the Petitioner and the learned Advocate for the sole Respondent. Perused the papers on record.

2. This Court on 9th November, 2023, passed the following order:-

“Heard learned counsel for the petitioner.

2. *The petitioner runs a shop within the premises of the respondent on licence. The period of licence is in operation. The petitioner was sought to be evicted from the premises which was a cause of action to prefer RCS No. 43 of 2015, for injunction. The petitioner secured temporary injunction below Exhibit 5 which was in operation during the pendency of the suit.*
3. *On 26th September, 2023, the suit was dismissed. Being aggrieved RCA No. 131 of 2023 has been preferred before the Court of District Judge – 2, Nanded. Pending that, Application Exhibit 5 for injunction is filed for by the petitioner. Only notice is issued on 26th October, 2023. The petitioner received a letter dated 28th October, 2023 for handing over of possession. She rushed to the Appellate Court by filing application Exhibit 12. Again a notice is issued on 07th November, 2023, without granting any protection. That is the cause to approach this Court.*
4. *Learned counsel submits that the petitioner runs a business and there is valid licence in her favour. During the pendency of the*

suit, there was injunction. I am of the considered view that petitioner deserves protection.

5. *Issue notice to the respondent for final disposal, returnable on 21st December, 2023. Hamdast is permitted.*

6. *In the meantime, there shall be ad-interim relief in terms of prayer clause 'D'."*

3. Since the Appeal preferred by the Petitioner is pending before the Appellate Court and since no protection was granted to the Petitioner, he approached this Court and the above-referred order came to be passed. Without going into the merits of the case, this Petition is disposed off by the following order: -

ORDER

- [i] The learned Trial Court shall consider and decide R.C.A. No. 131 of 2023 within a reasonable time in accordance with law, after giving an opportunity of hearing to both the sides.
- [ii] Learned Advocates for both the sides submit that the parties would cooperate with the Appellate Court in deciding the Appeal as early as possible.
- [iii] The parties are at liberty to move the Appellate Court to decide the Appeal within a time bound period.
- [iv] The Petition stands disposed off accordingly.
- [v] The interim protection granted by this Court to continue till the said Appeal is disposed off.

[NEERAJ P. DHOTE]
JUDGE