

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3026 OF 2023

Khalil Balisha Shikalgar & Ors.	... Petitioner
V/s.	
Satish Ramhari Shelake & Ors.	... Respondent

Mr. Nagesh Y. Chavan, for petitioner.

Mr. Siddharth S. Shitole for respondent.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 21, 2025

P.C.:

1. By consent of the parties, the following order is passed:
 - (i) The judgment and order passed in Miscellaneous Civil Appeal No. 216 of 2022 dated 5th January 2023, by the Additional District Judge, Vita, Sangli, is hereby quashed and set aside, in exercise of this Court's jurisdiction under Article 227 of the Constitution of India.
 - (ii) Miscellaneous Civil Appeal No. 216 of 2022 is restored to the file of the Additional District Judge, Vita, Sangli, for adjudication on its merits and in accordance with law.
 - (iii) The Additional District Judge, Vita, Sangli, is directed to decide Miscellaneous Civil Appeal No. 216 of 2022 expeditiously and preferably within a period of three months from the date on which the parties appear before the court,

as per the schedule fixed below.

(iv) The parties are directed to appear before the Additional District Judge, Vita, Sangli, on 27th January 2025 at 10:30 a.m. without further notice.

(v) It is further directed that the interim relief granted in favour of the respondent during the pendency of the appeal, which was operative prior to the impugned judgment, shall stand restored and shall continue to operate until the conclusion of Miscellaneous Civil Appeal No. 216 of 2022.

2. The writ petition is, accordingly, disposed of in the above terms. No order as to costs.

3. At this stage, the learned Advocate for the respondent submits that during the pendency of the appeal, the respondent was protected by an interim relief in the nature of status quo granted by the appellate court.

4. Considering this submission, it is clarified that the order of status quo, as was operating during the pendency of the appeal before the appellate court, shall stand revived and continue to operate during the pendency of Miscellaneous Civil Appeal No. 216 of 2022 before the Additional District Judge, Vita, Sangli. This clarification shall not prejudice the rights of either party to seek appropriate orders before the court below.

(AMIT BORKAR, J.)