

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.664 OF 2025

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Sunil Shankar Gambhire

...Petitioner

Versus

Shamal Dnyanoba Gatkhal

...Respondent

ALONG WITH
WRIT PETITION NO.2013 OF 2025

Sunil Shankar Gambhire

...Petitioner

Versus

Shamal Dnyanoba Gatkhal

...Respondent

Mr. Sujeet R. Bugade, for the Petitioner in both Writ Petitions.

Mr. V. A. Shastry (Through VC), for the Respondent in both Writ Petitions.

CORAM: MADHAV J. JAMDAR, J.

DATED: 18 FEBRUARY 2025

P.C.:

1. The challenge in Writ Petition No.664 of 2025 is to the Order dated 3rd May 2024 passed in Regular Civil Appeal No.77 of 2022, by which the interim relief granted by the learned Appellate Court i.e. the learned District Judge-1, Barshi at Barshi has not been continued. The challenge in Writ Petition No.2013 of 2025 is to the Order dated 29th November 2024 passed by the learned District Judge-1, Barshi below Exhibit – 29 in Regular Civil Appeal No.77 of 2022 by which said Application bearing Exhibit-29 praying for amendment in the Appeal

memo of said Regular Civil Appeal No.77 of 2022 is dismissed.

2. The impugned Order dated 3rd May 2024 has been passed on the ground that the Appellant is trying to prolong the matter. By the impugned Order dated 29th November 2024, the Application seeking amendment in the Appeal memo has been rejected.

3. After arguing the matter for some time, both the learned Counsel state that both the Writ Petitions be disposed of by consent of the parties.

4. It is the submission of Mr. Shastri, learned Counsel for the Respondent that the Respondent is more interested in getting final disposal of the Appeal. Mr. Sujeet Bugade, learned Counsel appearing for the Petitioner submitted that the Petitioner will completely co-operate with the learned Appellate Court in expeditious disposal of the Suit.

5. Accordingly, both the Writ Petitions are disposed of by passing the following Order :-

- (i) The impugned Order dated 3rd May 2024 passed by the learned District Judge – 1, Barshi at Barshi in Regular Civil Appeal No.77 of 2022 is quashed and set aside. It is directed that the stay granted to the eviction decree in said Regular Civil Appeal No.77 of 2022 shall remain in operation till the final hearing of the said Appeal, subject to the Petitioner depositing an amount of

Rs.3,000/- per month w.e.f. 1st January 2025 in the account of the Respondent No.1 till the disposal of the said Appeal. Such payment of Rs.3,000/- is to be made on or before the 10th day of each month. For the period of January 2025 and February 2025 the same shall be made on or before 10th March 2025. The Petitioner shall also pay rent/compensation at the rate of Rs.500/- per month w.e.f. 26th August 2022 till 31st December 2024 at the rate of Rs.500/- per month. The said arrears will be paid within a period of 4 weeks in the account of the Respondent No.1.

- (ii) The impugned Order dated 29th November 2024 passed below Exhibit – 29 in Regular Civil Appeal No.77 of 2022 is quashed and set aside and the said Application bearing Exhibit – 29 is allowed. The Petitioner to carry out the amendment on or before 25th February 2025 and immediately serve copy of the amended Appeal memo on learned Advocate appearing for the Respondent in the learned Appellate Court immediately and in any case on or before 26th February 2025.
- (iii) The Court is informed that the said Regular Civil Appeal No.77 of 2022 is placed before the learned Appellate Court on 28th February 2025 for final hearing. Both the parties to co-operate with the learned Appellate Court in disposing of the said Regular

Civil Appeal No.77 of 2022 expeditiously. The learned District Judge – 1, Barshi at Barshi is requested to dispose of the said Regular Civil Appeal No.77 of 2022 expeditiously.

6. Both the Writ Petitions are disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]