

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12184 OF 2022

Balkrishna Dattatraya @ Dattu Jadhav and Ors. ...Petitioners

VS.

Babaji Ganu Gawade and Ors. ...Respondents

Mr. Tejpal Ingale, for the Petitioners.

Mr. Kunal Bhanage a/w. Mr. Vinayak Phadake, Mr. Sampat Mohite,
for Respondent Nos. 1 and 2.

CORAM : N. J. JAMADAR, J.

DATE : MARCH 13, 2025

P.C:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to a judgment and order dated 24th June, 2022 passed by the learned District Judge, Gadhinglaj whereby the Misc. Civil Appeal No. 9 of 2022 preferred by the respondents / original defendant Nos. 3 and 4 came to be allowed and the order passed by the learned Civil Judge in R.C.S. No. 13 of 2021 restraining the defendants from causing obstruction to the possession of, and cultivation by, the plaintiffs of the suit property till the disposal of the suit, came to be set aside.
3. By an order dated 17th October, 2022 this Court, while issuing notice to the respondents, directed that the parties shall maintain status-quo prevailing as of that day. The Court is informed that the trial in R.C.S. No. 13 of 2021 has commenced and the evidence is

being recorded. In this view of the matter, all the contentious issues can be legitimately decided at the trial and, therefore, it would be expedient to dispose of this petition maintaining the order of status-quo granted by this Court till the final disposal of the suit.

Hence, the following order.

ORDER

- 1] The petition stands disposed.
- 2] The order of status-quo granted by this Court on 17th October, 2022 shall continue to operate till the final disposal of R.C.S. No. 13 of 2021.
- 3] The learned Civil Judge shall decide the R.C.S. No. 13 of 2021 on its own merits and in accordance with law without being influenced by the order passed by the trial Court on the application for temporary injunction and the judgment and order passed by the Appeal Court in M.C.A. No. 9 of 2022.
- 4] The learned Judge seized with R.C.S. No. 13 of 2021 is requested to make an endeavour to hear and decide the suit as expeditiously as possible and preferably within a period of one year from the date of communication of this order.

Petition disposed.

(N. J. JAMADAR, J.)