

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.15540 OF 2024
IN
WRIT PETITION NO.12629 OF 2024
WITH
WRIT PETITION NO.12629 OF 2024

Abhijeet Ashok Dhanawade

Applicants /
.. Petitioners

Versus

Vijay Raghunath Yadav and Ors.

.. Respondents

-
- Mr. Manoj A. Patil a/w. Mr. Akash M. Murudkar, Advocates for Applicants/ Petitioners.
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CORAM : MILIND N. JADHAV, J.

DATE : JULY 03, 2025

P.C.:

1. Heard Mr. Patil, learned Advocate for Applicants/ Petitioners.

2. At the outset, Mr. Patil draws my attention to Interim Application No.15540 of 2024 seeking recall of order dated 26.08.2024 passed by this Court at the time of admission of the present Writ Petition.

3. He would submit that certain factual errors have crept in at the time of addressing the Court on that date which have been recorded in paragraph No.4 of the said order. He would submit that recording by Court in paragraph No.4, *inter alia*, pertaining to the order passed below Exhibit-51 as also regarding Exhibit-155 is contrary

to the facts and would submit that since multiple suit proceedings are pending hearing and final disposal before Trial Court, the said order of the Court should not influence the said Court while hearing of the said Suit proceedings.

4. I have perused the Interim Application filed by Mr. Patil.

5. For the reasons mentioned in paragraph Nos.2 to 6 in the Interim Application, the narrative described by the Court in paragraph No.4 on hearing the learned Advocate needs to be corrected.

6. In that view of the matter, order dated 26.08.2024 stands recalled and Interim Application is accordingly allowed. Interim Application is disposed.

7. Writ Petition is taken up for admission and hearing forthwith.

8. After hearing Mr. Patil and perusal of record, it is *prima facie* seen that suit proceeding between parties nomenclatured as Suit No.174 of 2012 is pending before the learned Trial Court. Since Suit is yet to be decided this Court expressing its opinion or imprimatur may affect the substantive right of the parties to the said suit since the said suit has been filed for specific performance.

9. In that view of the matter, without expressing any opinion on merits, the present Writ Petition can be disposed by giving

appropriate directions to the learned Trial Court to determine the suit in a time bound matter. It is seen that challenge in the present Writ Petition is to the order passed below Exhibit-155 wherein Application was filed by Respondents seeking a *status quo* order during pendency of the suit proceeding. The Trial Court passed the said order which is the subject matter of challenge in the present Writ Petition.

10. If the said order is looked at, it would be in the fitness of things if this Court directs all parties to maintain status quo until the suit proceeding is determined. However considering the timeline in the suit, this Court is of the opinion that the learned Trial Court should determine the said suit as expeditiously as possible and in any event within a fixed time bound program to ameliorate the ignominy of the parties to the said suit. In that view of the matter, impugned order dated 20.12.2023, is not interfered with and all parties are directed to maintain *status quo*. Further a direction is given to the learned Trial Court to determine the Suit proceedings within a period of six months from today strictly in accordance with law.

11. Needless to state that this order cannot prejudice the Respondents appearing in the present matter, since the parties are before the Trial Court since the year 2012 and substantial period of more than 13 years has already lapsed.

12. In view of the above, Writ Petition is disposed.

13. Interim Application is also disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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