



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 672 OF 2025

(Surendra s/o Tarachand Khajanchi Vs. State of Maharashtra & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R.D. Dandwate, Counsel for the petitioner.
Mr. H.R. Dhumale, A.G.P. for the respondents/State.

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CORAM : ANIL L. PANSARE, J.
APRIL 15, 2025

On 6/2/2025, following order was passed :

“Heard.

2] *The suit has been filed in the year 2014. I am informed that the status of the petitioner being in possession was continued, however, vide judgment and decree dated 29/1/2025, the trial Court was pleased to dismiss the suit, against which the petitioner approached the First Appellate Court in Regular Civil Appeal No. 17/2025 and prayed for interim relief. The First Appellate Court, vide the impugned order, refused to grant relief only on the ground that the respondents were on caveat and should be given opportunity of hearing.*

3] *The finding of the First Appellate Court that the respondents should be given opportunity of hearing is fully justified. However, the First Appellate Court has not recorded any reason as to why interim relief, as sought, should not be granted, particularly when throughout the suit, the order of status quo was maintained.*

4] *Issue notice to the respondents returnable on 27/2/2025.*

5] *The learned A.G.P. waives notice for the respondents.*

6] *Till the returnable date, possession of the petitioner shall not be disturbed.”*

2] Having heard both sides, though the learned A.G.P. has opposed the request made by the petitioner to grant interim relief pending application Exh. 5, there appears no reason why should the First Appellate Court not record reasons for not granting interim relief.

3] In view thereof, order dated 3/2/2025 passed below Exh. 5 by the District Judge – 1 and Sessions Judge, Chandrapur, in Regular Civil Appeal No. 17/2025, is quashed and set aside. The learned Judge shall decide application Exh. 5 as expeditiously as possible.

4] Till then, the *status quo* granted by the trial Court, as regards property, shall be maintained.

5] The Writ Petition is disposed of in above terms. No costs.

(ANIL L. PANSARE, J.)

Sumit