



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2598 OF 2026

SANDESH VIKRAM HANGE AND ANOTHER
VERSUS
SANKET VIKRAM HANGE AND OTHERS

...
Mr. Rahul A. Tambe, Advocate for the Petitioners.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 10th MARCH, 2026.

P.C.:-

1. The present writ petition takes exception to order dated 15.11.2025 passed by District Judge, Aurangabad in Miscellaneous Civil Appeal No.128/2023, thereby upholding order dated 20.07.2023 passed below Exhibit-42 by Civil Judge Senior Division, Aurangabad in Special Civil Suit No.39/2018.

2. The petitioners are original defendant nos.3 and 5 in Special Civil Suit No.39/2018 pending before Civil Judge Senior Division at Aurangabad. The respondent no.1/plaintiff has filed suit for decree of partition and separate possession in respect of suit property. The plaintiff has also filed an application below Exhibit-42 seeking grant of temporary injunction. The application came to be allowed vide order dated 20.07.2023. The respondent no.2 (original defendant no.4) filed Miscellaneous Civil Appeal No.128/2023 before District Judge, Aurangabad, which came to be decided on 15.11.2025. The learned District Judge found that during pendency of Appeal, hearing in suit started and, therefore,

dismissed Appeal with direction that Special Civil Suit No.39/2018 be decided expeditiously and within period of six months from date of receipt of order. The present Writ Petition is filed challenging order passed by Appellate Court mainly on ground that despite there was no prayer on behalf of parties for direction to expeditiously decide Special Civil Suit, such directions are given.

3. Mr. Tambe, learned Advocate appearing for petitioners submits that blanket directions to decide case in time bound manner cannot be given by Court. There were not exceptional circumstances or extraordinary situation for which directions for expeditious decision could have been given. According to Mr. Tambe, it was never contention of appellant before Appellate Court to expedite suit. However, Appellate Court has wrongly observed that petitioners were agreeable for the same. Mr. Tambe in support of his contentions relies upon observations of Supreme Court in case of ***High Court Bar Association, Allahabad Vs. State of Uttar Pradesh and Others***¹. He also places reliance on few other judgments of Supreme Court, wherein similar observations are made.

4. Having considered submissions advanced and perusal of impugned order, it can be observed that Trial Court as well as Appellate Court have *prima facie* found that there were sufficient

¹ (2024) 6 SCC 267.

reasons for grant of temporary injunction and allowing application Exhibit-42 filed on behalf of respondent no.1/plaintiff. The Appellate Court considered that plaintiff and defendant no.4 are ready to lead their evidence and proceed with suit. Further partition suit is pending since 2018. In light of such contentions, directions are given to expeditiously decide suit. This Court finds that innocuous directions given by Court for expeditious disposal of suit does not prejudice petitioners at all. Therefore, same cannot be ground to raise challenge to order, particularly by invoking Writ jurisdiction of this Court. In fact, it is in interest of parties, if suit is decided expeditiously. Apparently, suit is filed for partition and separate possession. The right of plaintiff and defendants required to be crystalized in respect of suit property. The parties expressed their readiness to proceed with matter and lead evidence before Trial Court. In that view of matter, directions are given for expeditious disposal of suit.

5. This Court do not find any reason to interfere in discretion exercised by Appellate Court in Writ jurisdiction. In result, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE