

FARAD CONTINUATION SHEET No.

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

WRIT PETITION NO. 9189 OF 2011

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	<p style="text-align: center;">Court's or Judge's orders</p> <p style="text-align: center;">.....</p> <p style="text-align: center;">CORAM : S.V.GANGAPURWALA, J.</p> <p style="text-align: right;">DATE : 30/11/2011.</p>
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Mr. P.G.Godhamgaonkar, Advocate for the petitioner.

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PER COURT :

1. The petitioner impugns the Judgment and decree in R.C.S. No. 879 of 1999.

2. Mr. Godhamgaonkar, the learned counsel for the petitioner submits that the Appeal has been filed in the year 2004 and the stay petition is also filed. Since the said date, the said Appeal is not decided. The boundaries are wrongly given by the plaintiff. The plaintiff was put in possession in view of the Judgment of the High court in the year 1997. The boundaries are over lapping.

3. All these arguments of the learned counsel can not be considered at this stage in view of the fact that the Appeal is pending before the District Court. When the District Court is ceased with the matter, it would be inappropriate to entertain the present petition.

4. In view of the above, the Writ Petition is dismissed. No costs.

5. It seems that the Appeal is pending since 2004. If the Appeal is not decided as on today, then the District Court shall decide the Appeal as expeditiously as possible and preferably within the period of six months from today.

[S.V. GANGAPURWALA,J.]

KNP/WP 9189.2011