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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2939 OF 2015

Vikas Digambar Kemdarne

PETITIONER

VERSUS

Mankarnabai Abhiman Landge & others

RESPONDENTS

.....

Mr. Abhijit S. More, Advocate for the petitioner

Mr. P. S. Koshti, Advocate for respondents No.1 to 7

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 13th OCTOBER, 2015

ORDER :

1. Heard learned advocates for the parties.
2. Present petition has been purportedly moved against order dated 4th March, 2015 on Exhibit-196, whereunder request of the petitioner - plaintiff in Regular Civil Suit No. 139 of 2006 of adjournment for adducing evidence has been rejected.
3. After hearing learned advocates for the parties it transpires that another suit bearing Regular Civil Suit No. 521 of 2012 in respect of property involved in Regular Civil Suit No. 139 of 2006 has been filed by present respondents No. 6 and 7.
4. Learned advocates for the petitioner and respondents are

ad idem that the property involved in both the suits is the same and even the parties are also the same. It is further being referred to that under order dated 23rd September, 2014 of the Principal District Judge, Osmanabad Regular Civil Suit No.521 of 2012 has been withdrawn from the file of Second Joint Civil Judge, Junior Division, Paranda and has been transferred to Joint Civil Judge, Junior Division, Paranda for trial according to law along with Regular Civil Suit No.139 of 2006. It further appears that the Principal District Judge has expedited hearing of Regular Civil Suit No. 139 of 2006. It appears that due to stay operating in Regular Civil Suit No.521 of 2012, pleadings in said suit are yet to be completed.

5. Having regard to aforesaid, wherein the Principal District Judge, Osmanabad has directed transfer of regular civil suit No.521 of 2012 to joint civil judge, junior division, Paranda for trial along with regular civil suit No.139 of 2006, it would be expedient that no sooner the parties complete their pleadings, issues be framed and regular civil suit No.521 of 2012 be made ready for evidence. Parties should co-operate with the trial court to complete aforesaid exercise within a period of two months from the date of receipt of writ of this order.

6. After issues are framed in regular civil suit No.521 of 2012, both the suits, regular civil suit No.139 of 2006 and regular civil suit No.521 of 2012 be simultaneously proceeded with expeditiously and disposed of as early as possible, preferably within a period of six months on completion of two months, referred to above.

7. Writ petition accordingly stands disposed of.

[SUNIL P. DESHMUKH, J.]