

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1586 OF 2015

AND

WRIT PETITION NO. 1587 OF 2015

Harsha Rajesh Shah

(wrongly titled as Harsa)

.. Petitioner

vs.

Shantikumar Dharamsey and ors.

.. Respondents

Mr. Yogesh P. Gandhi for the Petitioners.

Mr. R.D. Vora for Respondent Nos.1, 3 and 3(a).

CORAM : M. S. SONAK, J.

DATE : 14 JULY 2015.

P.C. :-

1] Rule. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith.

2] Both these petitions are hereby disposed of with the following order, which is agreed to by both parties through their advocates.

(a) The following orders are set aside:

(i) Order dated 19 October 2012 passed below Exhibit-18 in R.A.E. Suit No. 558/925 of 2011 by the learned Trial Court;

(ii) Order dated 2 May 2013 made in Civil Revision Application No. 84 of 2013 by the Appellate Bench of the Small Causes Court at Mumbai;

- (iii) Order dated 8 November 2014 passed below Exhibit-51 in R.A.E. Suit No. 558/925 of 2011, by the learned Trial Court; and
- (iv) Order dated 18 December 2014 made in Civil Revision Application No. 377 of 2014 by the Appellate Bench of the Small Causes Court at Mumbai ;
- (b) The aforesaid is subject to the petitioner's paying costs of Rs.50,000/- to the respondents. Such costs shall be paid within four weeks from today. In case costs are not paid within four weeks from today, these petitions shall be deemed to have been dismissed;
- (c) The written statement of the petitioner in R.A.E. Suit No. 558/925 of 2011 is directed to be taken on record.
- (d) The Trial Court is directed to frame the issues and even grant the respondents an opportunity of filing an additional affidavit in lieu of examination-in-chief;
- (e) The proceedings in R.A.E. Suit No. 558/925 of 2011 are expedited. The Trial Court to decide the same as expeditiously as possible and in any case within a period of one year from today.

(f) The petitioner to cooperate in the matter of expeditious disposal of the suit. In particular, the petitioner and/or advocate appearing for the petitioner to appear before the Trial Court in time, so that the matter is not required to be kept back on every occasion;

3] Rule is made absolute to the aforesaid extent.

4] All concerned to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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