

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1028 OF 2015
IN
WRIT PETITION NO. 9076 OF 2013

Dr. Behram Merwanji Sethna .. Applicant

In the matter between
Silloo Dara Zaiwalla .. Petitioner

vs.

Dr. Behram Merwanji Sethna .. Respondent

Mr. V. Y. Sanglikar for the Applicant/Original Respondent.
Mr. Uday Bobade for the Original Petitioner.

CORAM : M. S. SONAK, J.

DATE : 17 April, 2015.

P.C. :-

1] Not on board. Upon production, taken on board.

2] This Court, by an order dated 17 June 2014, had directed the City City Court to hold an enquiry into valuation of the Suit under Section 8 of the Bombay Court Fees Act, 1959 and to complete enquiry in that regard within six months from the date of receipt of order.

3] By this Civil Application, the respondent in the petition, seeks extension of time for completion of the enquiry by a period of three months.

4] Ordinarily, it is not for the parties to seek extension of time. In case, for valid reasons, the Court is unable to complete the enquiry, then it is for that Court to seek an additional time.

5] Mr. Bobade, learned counsel for the original petitioner, opposes the grant of extension of time, by submitting that it may be possible for the learned City Civil Court to complete the enquiry into valuation by 24 June 2015.

6] However, considering that the enquiry is going on and further that the Court would be closed for vacations, time for completion of the enquiry is extended, by way of a last chance, for a period of two months from 24 June 2015.

7] All parties to cooperate in the expeditious conclusion of such enquiry. In case, any of the parties, fail to cooperate, the City Civil Court to make appropriate orders with regard to non-cooperation.

8] Accordingly, the Civil Application is disposed of in the aforesaid terms.

(M. S. SONAK, J.)