

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3202 OF 2002

Tushar Parmanand Merchant & Ors. .. Petitioners
VS.
Dhondiram B. Bhomkar & Ors. .. Respondents

Mr. S. M. Vyas for Petitioners.
Mr. S. V. Sadavarte and Mr. P. P. Bhalbar for Respondents.

CORAM : M. S. SONAK, J.
DATE : 05 AUGUST 2015

P.C. :-

1] The learned counsel for the parties on basis of instructions from their respective clients, who are present in the Court, request for disposal of this petition with the following agreed Order:

(A) That the impugned orders dated 29 October 2001 and 9 April 2002, to the extent, they set aside the exparte decree dated 23 January 2001 are not interfered with;

(B) However, the two aforesaid orders, to the extent they direct restoration of possession of the suit premises to the respondents herein are set aside;

(C) The trial Court to take up and dispose of RAE & R Suit No. 1149 of 1986 as expeditiously as possible and in any case within a period of one year from the date of production of authenticated copy of this Order;

(D) All contentions of all parties on the merits in the suit are left open to be determined by the Appeal Court in accordance with law.

2] Accordingly, this petition is disposed of with the aforesaid order. The impugned orders dated 29 October 2001 and 9 April 2002, to the extent they set aside the exparte decree dated 23 January 2001 are not interfered with. However, the direction for restoration of possession of the suit premises to the respondents is hereby set aside. Further, the Trial Court is directed to dispose of RAE & R. Suit No. 1149 of 1986 as expeditiously as possible and in any case within a period of one year from the date of authenticated copy of this Order. Rule is disposed of accordingly.

3] The parties to appear before the Trial Court on 24 August 2015 at 11 a.m. and produce authenticated copy of this Order.

4] It is made clear that this Court has not examined the merits and accordingly all contention of all parties in so far as RAE & R. Suit No. 1149 of 1986 are left open to be decided by the Trial Court in accordance with law.

5] All concerned to act on basis of authenticated copy of this Order.

(M. S. SONAK, J.)