

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1670 OF 2015
IN
WRIT PETITION NO.10900 OF 2014

Pandurang Babanrao Balwadkar and others ... Applicants

Vs.

Shevantabai Madhavrao Nimbalkar and others ... Respondents

Mr. Sanjay Kshirsagar for Applicants.

CORAM : R. G. KETKAR, J.
DATE : DECEMBER 16, 2015

P.C. :

Heard Mr. Kshirsagar, learned Counsel for applicants.

2. By this application, the applicants have prayed for directing the trial Court to dispose of Regular Civil Suit No.328 of 2011 as expeditiously as possible or within the time so fixed by this Court.

3. Mr. Kshirsagar submitted that by order dated 03.12.2014 passed in Writ Petition No.10900 of 2014, this Court rejected the Petition and did not interfere with the orders passed by the Courts below rejecting the application for temporary injunction. Aggrieved by that decision, Special Leave Petition was preferred before the Apex Court. By order dated 30.03.2015, the S.L.P. was allowed to be withdrawn with liberty to the petitioners to move this Court with an application for expeditious disposal of the Suit.

4. Perusal of the application dated 15.07.2014 shows that petitioners have made application for settlement of issues and they have also submitted draft issues. Mr. Kshirsagar submits that however, the learned

trial Judge has not settled the issues. As the petitioners have not made application in pursuance of the Supreme Court's order, Mr. Kshirsagar states that applicants will take out application.

5. In view thereof, liberty is reserved to the petitioners to move the trial Court for expeditious disposal of the Suit as per the Apex Court's order dated 30.03.2015. If such application is taken out, the learned trial Judge will ensure compliance of the Apex Court's order dated 30.03.2015 and pass appropriate order thereon. Civil Application is disposed of in the aforesaid terms with no order as to costs.

(R. G. KETKAR, J.)

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