

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 223 OF 2015

Kalpesh Kumar Parmanand Dave .. Applicant/Petitioner
vs.
M/s. Ish Homes Private Limited .. Respondent

Mr. Mayur Khandeparkar i/b Mr. Tanvir A. Shaikh for the
Petitioner/Applicant.
Mr. Khan Javed Akhtar for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 28 SEPTEMBER 2015.

P.C. :-

1] This Civil Application was directed to be placed on board alongwith Writ Petition No. 7847 of 2015 today. However, it is pointed out by the learned counsel for the parties that the matter is not on board. Accordingly, the matter is taken on board with the consent of learned counsel for the parties and the same is being disposed of.

2] In terms of order dated 2 September 2015 made by this Court in Writ Petition No. 8149 of 2011, the learned Judge has furnished explanation/report as to the circumstances in which the matter was adjourned on twelve occasions, despite directions of this Court for expeditious disposal of the suit.

3] The explanation is far from satisfactory. However, rather than delve into the merits of the explanation, since the learned counsel for the Respondent has stated that the Respondent had no objection to the matter being transferred to any other Judge, the Chief Judge of the Small Causes Court at Mumbai is hereby directed to re-assign R.A.E. & R. Suit No. 601/956 of 2007 to any other Judge, Small Causes Court at Mumbai.

4] Further, in this case, the orders for expeditious disposal of the suit were obtained by the Respondent. Despite obtaining such orders, the records reveal that it is the Respondent who have been delaying the disposal of the suit. This is not proper. Accordingly, directions for expeditious disposal of the suit are recalled. The suit to be disposed of on its own merits and in regular course by the Small Causes Judge, to whom the matter shall stand assigned by the Chief Judge.

5] The report/explanation submitted by the learned Judge is kept on record. However, there is no necessity for taking any further action in this matter.

6] Accordingly, Miscellaneous Civil Application is disposed of in aforesaid terms.

(M. S. SONAK, J.)

CERTIFICATE

**“Certified to be true and correct copy of
original signed Judgment/Order.”**