

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.26076 OF 2014

Pandurang Baburao More and ors. : Petitioners
versus
Smt. Sindhubai Sopan Chavan and ors. : Respondents.

Mr. J D Khairnar for the Petitioners.

CORAM : R. M. SAVANT, J.
DATE : 12th January 2015

P.C.

1 The writ jurisdiction of this Court is invoked for seeking a direction that the Trial Court i.e. the learned Civil Judge, Junior Division, Pimpri, Pune be directed to decide the Application (Exhibit 52) filed in Regular Civil Suit No.16 of 2011 within a particular time frame.

2 The said Application (Exhibit 52) has been filed by the Petitioner invoking Order VII Rule 11 (c) and (d) of the Code of Civil Procedure. It appears that the said Application came to be filed on 18/10/2013 and thereafter was heard from time to time. The synopsis of the above Writ Petition discloses that on 2/1/2014 a “No Say Order” came to be passed against the Plaintiff and the said Application was posted for argument on 8/1/1994. Thereafter on 7/3/2014 the “No Say Order” came to be set aside on the application filed by the Plaintiff and the said application was adjourned for argument to 13/4/2014. It is the case of the Petitioner original Defendant that

inspite of the application being listed from time to time, the same has not been decided one way or the other.

3 In my view, it would be just and proper to direct the Trial Court to decide the said Application (Exhibit 52) within a particular time frame, as the said application has been filed under Order VII Rule 11 (c) and (d) of the Code of Civil Procedure. The Trial Court therefore to hear and decide the said Application (Exhibit 52) latest by 30/4/2015 by giving opportunity to the parties. With the aforesaid directions, the above Writ Petition is disposed of. All the concerned parties to act upon an ordinary copy of the instant order duly authenticated by the Court Sheristedar.

[R.M.SAVANT, J]