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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9884 OF 2014,
WRIT PETITION NO.9885 OF 2014,
WRIT PETITION NO.9886 OF 2014.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Dilip Balkrishna Nevatia the Petitioner in person
Mr.Nimay Dave & Mr.Vijayendra Purohit i/b Manilal Kher Ambalal & Co.for the Respondent No.1 in W.P.9884/2014
Mr.B.K.Bali i/b Bali Associates for respondent No.1 in W.P.Nos.9885/2014 & 9886/2014
Mr.V.P.Malvankar, AGP `A' Panel for respondent No.2 in all writ petitions.

CORAM : A.S.OKA, &
G.S.PATEL,JJ.
DATE : NOVEMBER 17, 2015.

P.C.

1 Heard the petitioner appearing in person. Prayers in this three writ petitions filed under Article 226 of the Constitution of India are identical. Prayers are for expediting the hearing of the pending suits filed by the petitioner in the Court of Small Causes at Mumbai.

2 A judicial notice will have to be taken of the fact that there is a huge

pendency of very old suits and other proceedings in the Court of Small Causes at Mumbai. These petitions relate to the suits of the year 2004 and 2005. The said suits are filed by the petitioner which is a Private Limited Company. There are several older suits pending in the Court of Small Causes.

3 It is the only Court before which the suits are pending can decide whether out of turn priority deserves to be given to hearing of the suits. Remedy of the petitioner is to make an application to the concerned Court before which the suits are pending by making out a case for giving out of turn priority to the hearing of the suits. If such applications are pending, the Trial Court shall proceed to decide the pending applications as expeditiously as possible. If the petitioners have not made such applications, it is open for them to make such applications.

4 In the facts of the case, in writ jurisdiction under Article 226 of the Constitution of India, a writ cannot be

issued directing the Court of Small Causes to dispose of the suits filed by the petitioner in the year 2004-2005 by giving out of turn priority.

5 Subject to what is observed above, writ petitions are disposed of.

(G.S.PATEL,J.)

(A.S.OKA,J.)