

**FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 1229 OF 2014  
IN  
FIRST APPEAL NO. 1361 OF 2011**

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|-----------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. Vilas Tapkir for the applicant.

Mr. R.P. Ojha for the respondent.

**CORAM : K. K. TATED, J.**

**DATED : 08/04/2015.**

**PC.:**

. Heard learned Counsel for the parties.

2 This application is preferred by plaintiff for fixing early date of hearing of First Appeal no. 1361 of 2011.

3 The learned Counsel for the applicant submits that they filed Special Civil Suit no. 1233 of 2009 in the Court of Civil Judge, Senior Division, Pune at Pune for specific performance of contract and possession of the suit property. He submits that the Trial Court by Judgment and Decree dated 19.04.2011 decreed the suit directing the respondent/defendant to execute all necessary documents required for transfer of suit shop in the name of the plaintiff.

4 The learned Counsel for the applicant submits that office has received R & P. He submits that private paper book is already filed in the present proceeding.

5 The learned Counsel for the applicant further submits that the applicant plaintiff already deposited sum of Rs.34,49,000/- in the Trial Court pursuant to the decree dated 19.04.2011. He submits that the applicant is bearing the interest on amount of Rs.34,49,000/- and he does not have possession of the suit property. Hence, hearing of the First Appeal be expedited.

6 On the other hand, the learned Counsel for the respondent defendant vehemently opposed the present Civil Application. He submits that the matter is not expedited earlier by this Court. Hence, there is no need to expedite the matter. It is to be noted that the respondent defendant is in possession of the suit property, hence he does not want hearing of this proceeding be expedited.

7 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for allowing the civil application.

8 Hence, the following order.

a) Hearing of First Appeal no. 1361 of 2011 is expedited.

b) Office is directed to place the First Appeal for final hearing in weekly board commencing from 08.06.2015.

c) Civil Application is disposed of accordingly.

**(K.K.TATED, J.)**