

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4646 OF 2015

Tantrik Shikshan Karmachari Gruhnirman Sahakari Sanstha Ltd., Nagpur

-vs-

Manik Motiram Sewatkar and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.R.R.Vyas, counsel for the petitioner.

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 21.08.2015.

By this petition, the petitioner seeks a direction to the District Judge-2, Nagpur to decide the application filed by the petitioner for a direction to the respondents to pay the occupation charges.

It appears that a decree for possession and an enquiry into future mesne profit was passed in favour of the petitioner by the trial Court on 17/03/2008. The respondents challenged the said judgment and decree before the first appellate Court. It is informed to this Court that the first appellate Court granted a blanket stay to the judgment and decree passed by the trial Court, with the result that the decree for possession and an enquiry into future mesne profit was stayed. Though the appeal was filed by the respondents in the year 2008, the petitioner filed an application in the year 2014 for a direction to the respondents to pay damages, during the pendency of the appeal. According to the petitioner, this application has not been decided and hence, it would be necessary to direct the learned District Judge-2, Nagpur to decide the application.

In the circumstances of the case, no mandamus could be issued to the learned District Judge-2 to decide the application filed by the petitioner. Due to the heavy pendency of the cases, it may not be possible for the Judges in the District Court to decide the application as soon as they are filed. Also, the application is filed by the petitioner in the year 2014 and without waiting for the decision on the application, the petitioner has filed this writ petition seeking a mandamus to the learned District Judge-2 to decide the application. In the circumstances of the case, it would not be proper to direct the learned District Judge-2 to decide the application immediately. The learned District Judge-2 is free to decide the same as per the turn.

The writ petition is disposed of with no order as to costs.

JUDGE

JUDGE

KHUNTE