

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A. [W] NO.1864/2015 IN WRIT PETITION NO.6617/2014 [D]

[Kedarnath s/o Gangadhar Agrawal and one .vs. The State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.A. Naik, Advocate for the applicants-petitioners,
Shri C.A. Lokhande, AGP for the respondent no.1.

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CORAM : B.R. GAVAI AND
P.N. DESHMUKH, JJ.

DATED : DECEMBER 04, 2015.

Learned Civil Judge, Senior Division, Akola has addressed through letter dated 15.10.2015 for seeking extension of six months for compliance with the order passed by this court, vide order dated 11.12.2014 in Writ Petition No.6617/2014.

The applicants-original petitioners have also filed the present application for direction to the learned reference court to hear the matter on day to day basis and decide the same within a stipulated time.

Taking into consideration the contention of the applicants-original petitioners that the petitioner no.1 is suffering from brain-tumour and is aged about 74 years and that the reference is pending from 1997. We had directed that the same to be decided as early as possible and in any case within a period of six months from the said date.

It appears that since the said period was to expire on 11.6.2015, a request was made by the learned reference court for extension of said period. This court had

extended the period for a period of of six months from the date of the letter i.e. 22.4.2015. The said period has expired on 21.10.2015.

It is the contention of the applicants-original petitioners that the respondent-M.I.D.C. is not interested in proceeding further with the matter and on one count or the other and is seeking adjournment. The letter addressed by the learned reference court would also fortify the contention raised by the applicants-original petitioners. It would appear that though the applicants-original petitioners have completed their evidence, on one count or the other, the respondents are protracting the matter.

It appears that the respondents had filed an application for dismissal of reference as well as recasting of the issues. Thus, it would appear that due to various interlocutory proceedings at the instance of the respondents in the reference proceeding, the reference could not be decided.

In that view of the matter, we grant request of the learned reference court for extension of period. The period is extended by six months from today, by way of last chance. It is made clear that the learned Judge shall proceed to hear the matter on day to day basis. It is further made clear that no adjournment would be granted by the learned trial judge at the request of the respondents in the reference proceeding. Civil Application stands disposed of.

JUDGE

JUDGE