

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6928 OF 2015

Mr. Ramesh C. Shah	..Petitioner
Versus	
Bhavana Textiles & Ors.	..Respondents

WITH
WRIT PETITION NO.6929 OF 2015

Mr. Ramesh C. Shah	..Petitioner
Versus	
Bhavana Textiles & Ors.	..Respondents

WITH
WRIT PETITION NO.6930 OF 2015

Mr. Ramesh C. Shah	..Petitioner
Versus	
Mangalam Textiles & Ors.	..Respondents

WITH
WRIT PETITION NO.6931 OF 2015

Mr. Ramesh C. Shah	..Petitioner
Versus	
Sumangal Enterprises & Ors.	..Respondents

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Mr.P. S. Dani, Senior Counsel i/b. Ms. Jui Nerurkar, for
Petitioner.

Mr. Chirag Balsara i/b. Negandhi Shah and Himayatullah, for
Respondent No.1.

Mr. Roshan S. Tanna i/b. J.M. Joshi, for Respondent Nos.2 to 6.

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CORAM : R. G. KETKAR, J.

DATE : 23rd FEBRUARY, 2016

P.C.

1. At the request and by consent of the parties, Writ Petition Nos.6929/2015 and 6930/2015 are taken up for admission as the controversy raised in these petitions is identical with the controversy raised in Writ Petition Nos.6928/2015 and 6931/2015.

2. Heard Mr. P.S. Dani, learned Senior Counsel for the petitioner, Mr. Chirag Balsara, learned Counsel for respondent No.1 and Mr. Roshan Tanna, learned Counsel for respondent Nos.2 to 6 in all the Petitions, at length.

3. Rule. Learned Counsel appearing for the respondents waive service. At the request and by consent of the parties, Rule is made returnable forthwith and the petitions are taken up for final hearing.

4. By these Petitions under Article 227 of the Constitution of India, the petitioner has challenged the judgment and orders dated 6.4.2015 passed by learned Jt. Civil Judge, Junior Division, Thane in applications taken out by the petitioners for setting aside exparte order and seeking

permission to file written statement.

5. Mr. Balsara fairly stated that the petitioner, hereinafter referred to as defendant no.5 may be permitted to file written statement within two weeks from today. He submitted that by order dated 9.9.2015 passed by this Court (Coram: R.M. Savant,J.) in Civil Application No.331/2015 and others had directed the learned trial Judge to dispose of the suit latest by 31.5.2016. He therefore submitted that the trial Court may be directed to dispose of the suits on or before 31.5.2016.

6. Mr. Dani assures that within two weeks from today, defendant no.5 will file written statement in the trial Court and serve copy in advance on the other side. Assurance given by Mr. Dani is accepted. In view thereof, by consent of the parties, Petitions are disposed of with following order :

- [i] The impugned orders are set aside;
- [ii] Defendant no.5 shall file written statement within two weeks from today in the trial Court and serve copy in advance on the other side;
- [iii] Parties assure that they will extend full cooperation for

early disposal of the Suits;

[iv] Learned trial Judge is requested to ensure that the time limit stipulated in the order dated 9.9.2015 is complied with;

[v] Rule is made absolute in all the Petitions in aforesaid terms with no order as to costs;

[vi] All parties including the trial Court to act upon authenticated copy of this order.

(R. G. KETKAR, J.)

Deshmane (PS)