

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

CIVIL REVISION APPLICATION NO. 1709 OF 2001

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. Vincent D'silva i/b Prabhat Dubey for the Applicant.

None for the Respondent.

CORAM : K. K. TATED, J.

DATED : 28/03/2016

PC.:

. Heard learned Counsel for the applicant. None for the respondent.

2 This Civil Revision Application is preferred by original plaintiff challenging the order dated 03.08.2001 passed by the Small Causes Court, Mumbai in Misc. Notice No. 120 of 2001 in RAE & R suit No. 238/946 of 1982 by which the Trial Court allowed the defendant's application under order IX Rule 13 of Code of Civil Procedure, 1908 by setting aside the decree dated 21.02.2001.

3 After arguing for some time, the learned counsel for the applicant submits that he received instructions from his client to withdrawn Civil Revision Application with liberty to proceed before Small Causes Court in RAE & R Suit No. 238/946 of

1982 on its own merits. To that effect, he has given in writing on farad. Same is taken on record and marked 'X' for its identification.

4 The learned counsel for the applicant submits that the applicant is Senior Citizen. He submits that is near about 90 years old. He submits that considering the age of the applicant and the matter is pending before the Trial Court since 1982, hearing of the suit may be expedited.

5 Considering the submissions made by the learned counsel for the applicant and age of the applicant/plaintiff, the following order is passed:

a) Civil Revision Application stands dismissed as withdrawn.

b) Hearing of RAE & R Suit No. 238/946 of 1982 is expedited.

c) This court expects from the Trial Court to decide RAE & R suit No. 238/946 of 1982 as early as possible on or before 31.12.2016.

(K.K.TATED, J.)