

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9064 OF 2014

Shri Narendra Purshottam Awasthi ... Petitioner
Vs
Shri Shah Gunshi Bhimshi ... Respondent

...

Mr. P. J. Thorat for the Petitioner.
Mrs. Jenifier Michael with Adv. Mr. Jayesh Rathodiky i/b. Dhiren H. Shah.

CORAM : K. K. TATED, J.
DATE : 7 APRIL, 2016

P.C. :

- 1 Heard the learned counsel for parties.
- 2 Both counsels filed minutes of order dated 7th March 2016 in this court. Same is taken on record and marked as 'X' for identification.
- 3 Writ petition is disposed of in terms of minutes of order which reads thus;

1. *“Rule. Rule returnable forthwith.*
2. *By Consent of parties matter is taken up for Final Hearing.*
3. *By consent of the parties, the Writ Petition is disposed of by directing the Small Causes Court at Mumbai to hear and decide R.A.E. Suit No. 355/921 of 2011 on or before 30th July, 2016.*
4. *The Trial Court will decide any pending application for amendment of the Written Statement on*

16/04/2016 and list of witnesses will also be filed by Respondent on 16/04/2016.

5. The Respondent i.e. Original Defendant will co-operative in the expeditious disposal of the R.A.E. Suit No. 355/921 of 2011 and will not seek adjournment. The Respondent will remain present before the Trial Court on 22/04/2016 and will file his Affidavit of evidence and the Respondent will appear on 29/04/2016 for cross examination.
6. In the event the Respondent fails to remain present before the trial court on 22/04/2016 and file evidence Affidavit the Trial Court may proceed to decide R.A.E. Suit No. 355/921 of 2011 without the evidence of the Respondent.
7. The Writ Petition is disposed of in the above terms.”

3 Parties to act on the authenticated copy of this order.

(K. K. TATED, J.)