

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

WRIT PETITION NO.1683/2016

Smt. Girija Bai Marotrao Bondre

..VS..

Ganesh Dattaji Bondre

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : 13.7.2016.

Heard Shri R.R. Srivastava, Advocate for the
petitioner and Shri A.M. Ghare, Advocate for the respondent.

The petitioner has filed appeal before the District
Court challenging the judgment and decree passed by the
Civil Judge Junior Division in Regular Civil Suit No.18/2013.
The appeal is pending since 2013. The petitioner filed an
application dated 3rd December, 2015 contending that the
Small Causes Civil Suit No.347/2006 should have been
decided by the Civil Judge Senior Division, and Civil Judge
Junior Division had no jurisdiction to decide the civil suit.
On this application, the impugned order is passed. The
learned District Judge has recorded that the application will
be decided at the time of hearing of the appeal on merits.

As the appeal is pending since 2013, in my view,

the following order would sub-serve the ends of justice.

- (i) The learned District Judge shall decide the Regular Civil Appeal No.102/2013 within six months.
- (ii) The point raised in the application (Exh. No.17) shall also be considered by the learned District Judge while deciding the appeal.
- (iii) The petition is **disposed** in the above terms.
- (iv) In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.