

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8297 OF 2017

KHUSRAV SAROSH TARAPOREWALA AND ANOTHER
VERSUS
DINYAR FARDOONJI BHAGAT DIED LRS

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Advocate for Petitioners : Shri Natu Sharad V.
Advocate for Respondents 1/1 to 1/3 : Shri Mandlik P.V. Sr. Advocate
i/b Shri Mandlik P. P.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 04, 2017

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PER COURT :-

1. The petitioners are aggrieved by the order dated 24.4.2017 by which, application Exhibit 89 is rejected.
2. Shri Mandlik, learned Sr. Advocate points out from the prayer clause of Exhibit 89 that the request made by these petitioners was that unless the certified copies of the record in MARJI No.56 of 2005 are not placed on record, questions in cross-examination regarding the documents in MARJI 56 of 2005 cannot be asked.
3. An affidavit in reply, along with documents, is filed on behalf of respondent Nos.1/1 to 1/3. It is further submitted by the learned Sr. Advocate that the certified copies of the relevant documents and the record of MARJI 56 of 2005 have been placed on record before the trial Court during the pendency of this petition and based on the same,

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the cross-examination has also been completed. He, therefore, submits that this petition is rendered infructuous.

4. Learned Advocate for the petitioners submits that the statement of respondents 1/1 to 1/3 may be recorded and based on the said statement, this petition be disposed off.

5. Considering the above and in the light of the statement made and affidavit in reply filed, this petition is disposed off as being infructuous.

6. A request is made by the respondents that as the respondents Nos. 2 and 4 are about 71 and 81 years' old, MA No. 17 of 2013 may be expedited. Learned Advocate for the petitioners opposes the said request.

7. I find that petitioner Nos.1 and 2 are 73 and 63 years' old and respondent Nos. 2 and 4 are 71 and 81 years' old. As such, the trial Court would endeavour to decide M.A. No.17 of 2013 on/or before 30.4.2018.

(RAVINDRA V. GHUGE, J.)

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