

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

MISC. CIVIL APPLICATION NO.175 OF 2017

Elegant Industries Pvt. Ltd.	...	Applicant
versus		
Shishir B. Nevatia	...	Respondent

Mr. Dileep Nevatia, Applicant in person.
Mr. B.K.Bali with Ms. Anju Singh i/by M/s. Bali Associates, for Respondent.

CORAM: S.J. KATHAWALLA, J.
DATE: 14th AUGUST, 2017

P.C.:

1. In the above Misc. Civil Application, the Applicant (original Plaintiff)

has sought the following reliefs :

- (a) Transfer senior citizen expedited R.A.E. Suit No.763 /1400 of 2004 pending in Court Room No.14 of the Hon'ble Small Causes Court at Bombay presided by His Hon'ble Judge Shri J.K.Joshi to any other Court presided by any other Presiding Officer;
- (b) Direct the Ld. Trial Judge to reject/dismiss all the interlocutory applications filed by the Respondent on disputed questions of facts, which are not pleaded by the Respondents in their Written Statements;
- (c) Direct the Ld. Trial Judge to decide the disputed questions of facts, which are pleaded by the parties in their Plaint/Written Statements at the final stage of hearing the suit and only after opportunity is given to the parties to prove their case in their evidence;

(d) Direct the trial Court to decide R.A.E.Suit No.763/1400 of 2004 preferably in six months time or any such time this Hon'ble Court may deem fit and proper;

2. The Applicant has made several grievances against the learned Judge who at the relevant time presided over Court Room No.14 of the Small Causes Court at Bombay. Since the learned Judge against whom grievances are made by the Applicant is no longer presiding over Court Room No.14, the above Misc. Civil Application has become infructuous. However, the Applicant submits that this Court should direct the Trial Court to decide R.A.E.Suit No.763/1400 of 2004 preferably within six months time or any such time as this Court deems fit and proper. I am not inclined to pass any such order since the Principal Judge of the Small Causes Court, Bombay has already passed an order dated 21-12-2016 expediting the hearing of the above Suit and has also given several directions to the Trial Judge. Needless to add that the directions given by the Principal Judge, Small Causes Court, Bombay, shall be complied with by the Trial Judge.

3. The above Misc. Civil Application is accordingly disposed of.

(S.J.KATHAWALLA, J.)