IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6124 OF 2017

Satyanarayan M. Agarwal, since deceased
through his LRs Mr Krishnawatar S. Agarwal
and others … Petitioners
v/s
Vishwanath Chaudhary and another … Respondents

Ms Uma S. Agarwal, Petitioner No.1(c) in person present.

CORAM : B.P. COLABAWALLA, J.

DATE : JULY 14, 2017

P.C.:

1. By this Petition filed under Articles 226 and 227 of the Constitution of India, a grievance is made by the Petitioner that despite the Suit being filed in the year 2006, the same is still not heard and decided. She states that the original Plaintiff in the Suit was cross-examined from 2008 to 2012 i.e. till his death. Thereafter, the present Petitioner has been cross-examined from the year 2012 till date and even her cross-examination is not yet over. Further, the Defendant has not even filed his affidavit of evidence. The Petitioners therefore submitted that they have been constrained to file the

present Petition for a direction to the Trial Court to decide the matter in a time bound manner.

2. Respondent No.1, who is the only contesting Respondent, in this Writ Petition, has been duly served but has chosen not to appear.

3. Considering the facts narrated above, I am of the view that this Writ Petition can be conveniently disposed of by passing the following order :-

4. The Small Causes Court, Bandra, Mumbai is requested to hear and decide R.A.E. & R. Suit No.264/438 of 2006 as expeditiously as possible and in any event, within a period of nine months from today.

5. The Writ Petition is disposed of in the aforesaid terms. No costs.

(B.P. COLABAWALLA, J.)