

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6514 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Ms. Shama Mulla i/b. M/s. Jay & Co. for the petitioners.

Mr.S.M. Sabrad, Advocate for the Respondents.

CORAM : R. G. KETKAR, J.

DATE : 16/02/2017

P.C.:

1. Heard Ms.Shama Mulla, learned Counsel for the petitioners and Mr.S.M. Sabrad, learned Counsel for the respondents, at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the judgment and order dated 18.4.2015 passed by the learned District Judge-2, Niphad in Misc. Civil Appeal No.23/2013. By that order, the learned District Judge allowed the appeal preferred by the respondents/defendants and quashed and set aside the judgment and order dated 3.2.2013 passed by the learned 2nd Jt. Civil Judge, Junior Division, Niphad below Exhibit-5 in R.C.S. No.306/2012. The learned District Judge dismissed the application Exhibit-5 filed by the plaintiffs.

3. Though the Petition was filed in this Court on 9.6.2015, no ad-interim order is operating in this Petition. In other words, after 18.4.2015 no injunction is operating in favour of the plaintiffs.

4. Mr. Sabrad submitted that the defendants have completed their evidence and they will file evidence closure purshis on 20.2.2017. The matter is ready for arguments. He further submitted that even the parties are ready for arguments. The learned Counsel for the parties jointly submitted that the learned trial Judge may be directed to dispose of the suit as early as possible and preferably within two weeks from 20.2.2017. The learned Counsel appearing for the parties assure that they will extend full cooperation for disposal of the suit.

5. I have already noted that after 18.4.2015 no injunction is operating in favour of the plaintiffs. The matter is also ready for arguments. In view thereof, I have not examined the merits of the case. By consent of the parties, the Petition is disposed of in the following terms :

- i) The parties shall appear before the trial Court on 20.2.2017 and for that purpose no fresh notice be issued to them;
- ii) The defendants shall file evidence closure purshis on 20.2.2017.

- iii) The learned trial Judge is requested to dispose of the suit as early as possible and preferably within two weeks from the date of appearance of the parties.
- iv) The learned trial Judge will decide the suit on the basis of evidence on record and on its own merits and in accordance with law uninfluenced by the observations made in the orders passed by the Courts below as also this Court.
- v) All contentions of the parties are kept open.
- vi) All parties, including the trial Court, to act upon the authenticated copy of this order. Order accordingly.

(R. G. KETKAR, J.)