

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

WRIT PETITION NO.6985 OF 2017

Ashwini Co-op. Hsg. Society Ltd. ... Petitioner

Vs.

Laxmanrao Shinde & Ors. ... Respondents

Mr.Vikram Chavan with Sheetal Thakur i/b C.K. Legal for the
Petitioner

Mr.S.A. Bhgwat for Resp. Nos.1b to 1e

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 3, 2017**

P.C. :

1. Not on Board. Upon urgent mentioning, taken on Production Board.
2. Rule. Rule made returnable forthwith by the consent of the parties and heard finally.
3. Learned Counsel for the Petitioner states that the petitioner society i.e., defendant No.1 does not want to press prayer clauses (a), (b) and (d) except prayer clause (c). The learned Counsel for the respondent / the original plaintiff is present.

4. By prayer clause (c), the petitioner wants this Court to direct the learned Joint Civil Judge, Senior Division, Pune, to dispose of and decide the matter in a time-bound schedule. The learned Counsel for the petitioner submits that he is ready to withdraw all his applications before the trial Court and the trial may proceed expeditiously. The learned Counsel for the respondent is also ready to cooperate with the trial Court and wants to go with the trial at the earliest.

5. In view of the submissions made by the learned Counsel for the petitioner pressing for only prayer clause (c) which is for expediting the trial in a time bound manner, this petition is allowed on the following terms:

- i) Rule made absolute in terms of prayer clause (c) only.
- ii) The trial Court to proceed with the matter and call upon the plaintiff to lead evidence if he wants to. Any other application for temporary relief will be decided by the trial Court alongwith the suit.
- iii) Parties shall cooperate with the trial Court.

iv) Since the suit is of 1996, the trial Court shall decide it on or before 31.1.2018.

6. Writ Petition is disposed of on the above terms.

(MRIDULA BHATKAR, J.)