

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9376 OF 2016

Smt. Urmila Prakash Thakur ... Petitioner
Vs.
Vinodkumar F. Chopra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 9375 OF 2016**

Smt. Urmila Prakash Thakur ... Petitioner
Vs.
Ashokkumar Ramkrishna Doifode & Ors. ... Respondents

**WITH
WRIT PETITION NO. 9728 OF 2016**

Smt. Urmila Prakash Thakur ... Petitioner
Vs.
Ramsamuch Dayaram Roy & Ors. ... Respondents

**WITH
WRIT PETITION NO. 11820 OF 2016**

Smt. Urmila Prakash Thakur ... Petitioner
Vs.
Sureshkumar Phulchand Jain & Ors. ... Respondents

Mr. Bholaprasad S. Shukla, Advocate for the petitioner in all the petitions.

Mr. M.S. Lagu, Advocate for respondent nos. 2 and 4 in WP/9376/2016 and for respondent nos. 2 and 3 in WP/9375/2016, WP/9728/2016 and WP/11820/2016.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **5th July, 2017.**

P.C.:

Rule. Rule made returnable forthwith. Considering the issue

involved in these Petitions and the stage of suits, these Petitions are heard finally at the stage of admission. Though all the respondents are served, none present for contesting respondent no. 1. The petitioner is common in all these four Petitions. The petitioner is a landlord. It is the case of the petitioner that she is a defendant in all four suits filed by the contesting respondent nos. 1 and 2 in all the four Writ Petitions. The contesting respondents have filed the suit challenging the order of demolition of their four suit structures. The contesting respondent no. 1 in all the four petitions have filed respective civil suits wherein the notice sent by respondent/Mira Bhayander Municipal Corporation is challenged. The present petitioner, being a landlord, is also defendant in all the four suits. The present petitioner contends that the land belongs to her and on that land, the contesting respondent no. 1/original plaintiff have unauthorizedly constructed, for which he has made complaint to Mira Bhayander Corporation and the Mira Bhayander Corporation/defendant issued the Notice of demolition of those respective suit structures. The trial Court has rejected the Application for interim injunction, however, Miscellaneous Civil Appeals filed by this contesting respondents nos. 1 and 2 are allowed by order dated 2nd July, 2016 which is under challenge in all the Writ

Petitions.

2. As per the information by the registry, all the respondents are served, however, none present for respondent no. 1. The learned counsel for respondent no. 3/Mira Bhayander Corporation submitted that Mira Bhayander Corporation has taken action against the plaintiffs and have issued notice under section 260 of Maharashtra Municipal Corporation Act. However, the said notices are stayed by the District Court.

3. The learned counsel for the petitioner submitted that the District Judge while allowing the Miscellaneous Civil Appeals has directed the trial Court to proceed with the suits and it is to be concluded within 6 months. However, the said time is expired and still there is no progress in the suit. At this stage, the learned counsel for the petitioner submitted that the stay granted by the District Court is to be vacated and the trial Court is to be directed to proceed with the matter.

4. The District Judge has passed the orders after considering the merits of the matter and hearing both the parties. Today one contesting party is not before the Court. Under such circumstances,

it is not appropriate to vacate the stay and set aside the order of the District Court. However, considering the submissions of learned counsel for the petitioner, the order of expediting the suits in time bound manner can be passed.

5. The trial Court is hereby directed to proceed with the suits and to be concluded till 31st January, 2018. The plaintiffs and defendants shall cooperate the trial Court.

6. Writ Petitions are disposed of.

(MRIDULA BHATKAR, J.)