

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9825 OF 2017

Shivshankar Builders & Developers .. Petitioner
vs.
Vasanti Vishnu Bhat & Ors. .. Respondents

Mr. P. J. Thorat i/b. Mr. Lalit Jain for Petitioner.
Mr. P. K. Dhakephalkar - Senior Advocate i/b. Mr. Jaydeep Deo for
Respondent No. 1.
Mr. Satish Shivshankar - Representative of the Petitioner present.

CORAM : M. S. SONAK, J.
DATE: 08 SEPTEMBER 2017

P.C :

1] After this matter was argued for some time, Mr. Thorat, learned counsel for the petitioner, on the basis of instructions from the representative of the petitioner, who is present in the Court today, states that the petitioner will not press any reliefs in this petition, since, it is indicated by this Court that orders for expedition of the main suit itself would be made.

2] The suit in which the impugned orders have been made is pending since the year 2003. Already, there are orders of expedition made by the appellate bench. Accordingly, the trial Court, is directed to dispose of the main suit as expeditiously as possible and in any case within a period of six months from today.

3] Further, it is the case of the respondent No. 1 that on the night of 27th and 28th August 2017, the petitioner has pulled down the

structure / hoarding, which is the subject matter of the suit. This contention is disputed by the petitioner. Mr. Dhakephalkar, learned Senior Advocate for the respondent No. 1 submits that the respondent No. 1 therefore intends to file an appropriate application before the learned trial Judge seeking mandatory orders for restoration.

4] If such an application is filed by the respondent No. 1, the same be disposed of in accordance with law and on its own merits. However, it is made clear that on the ground of the pendency of such application, the progress in the suit should not be delayed. All parties to cooperate to the expeditious disposal of the suit.

5] Since the petition is not pressed by the petitioner, the same is disposed of.

6] The suit to be disposed of on its own merits and in accordance with law without being influenced by any observations in the interim orders made from time to time in the proceedings.

7] All concerned to act on basis of authenticated copy of this order.