

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12233 OF 2015

Pushpa Shaniwar Vaskar	 Petitioner
V/s.	
Gynendrapratap Matadev Singh & Ors.	 Respondents

Mr. S.M. Oak, i/by Mr. Sugar A. Joshi, for the Petitioner.

Mr. Afroz A. Siddiqui for Respondent Nos.1 to 4.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 22ND DECEMBER 2017.

P.C. :

1. Heard Mr. Oak, learned counsel for the Petitioner, and Mr. Siddiqui, learned counsel for Respondent Nos.1 to 4.

2. This Writ Petition is directed against the order dated 19th November 2014 passed by the 2nd Joint Civil Judge, Senior Division, Thane, below Exhibit-24 in Special Civil Suit No.996 of 2011. The said application was filed by Defendant No.9, who is also the wife of Defendant No.3 – the present Petitioner, for her appointment as a '*guardian ad litem*' of Defendant No.3 on the count that, he is suffering from a chronic schizophrenia, which is of incurable nature.

3. After hearing learned counsel for both the parties, learned counsel

for Respondent Nos.1 to 4 fairly concedes that, he has no objection to allow the said application subject to condition that hearing of the Suit, pending before the Trial Court, may be expedited.

4. In view thereof, the Writ Petition is allowed. The impugned order passed by the Trial Court is set aside. In consequence, the application filed by the Petitioner at “Exhibit-24” before the Trial Court is allowed.

5. Trial Court to decide the Suit as expeditiously as possible; as the Suit is quite old, of the year 2011, and the Respondents are the senior citizens.

6. Especially, the application at “Exhibit-5” should be decided by the Trial Court, preferably, within a period of three months from the date of receipt of a copy of this order.

7. Writ Petition is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]