

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.419 and 420 OF 2017
in
CIVIL REVISION APPLN NO. 35 and 36 OF 2014**

Mrs Meherunnisa Husseini Vahanvaty Applicant
vs
The Board of Trustees of the Port of Bombay ,..Respondents
....

Mr.C.N.Chavan for Applicant
Mr.Vishal Talsania with Ms,.Sneha Pandey i/b
Motiwalla & Co for Respondents

***Coram : G.S.KULKARNI, J
Date : 20 DECEMBER 2017***

COMMON ORDER

P.C.

Mr.Chavan learned counsel for the applicant states that his client has deposited two demand drafts for Rs.5,00,000/- each on 16.12.2017 with the respondent. On receipt of the said payment, the learned counsel for the respondent states that the cheque which was issued and which were dishonoured shall be returned to the petitioner.

2. On the above background, I have heard learned counsel for the applicant in Civil Application No.419 of 2017. In view of the

payment of costs, as directed by an order dated 7.11.2017 passed by this Court thereby extending the time to the applicant to file affidavit of evidence and documents, and to cross-examine the plaintiff's witnesses, the time scheduled to decide Suit No.251/264 of 1986 be re-scheduled by the trial Court.

3. Considering the facts of the case, it is definitely in the fitness of things that the applicant cross-examines the witnesses of the plaintiff. There needs to be a fair trial in every aspect. Even the respondent would not dispute this position as it arises in the present facts.

4. I am not inclined to fix a time-schedule in this application as prayed by the applicant, however, it would be appropriate that a proper time schedule be fixed by the learned trial Judge who is seized of the proceedings. However, keeping in mind that the suits pertains to the year 1986 and that it is required to be adjudicated as expeditiously as possible, the parties are directed to appear before the trial Court at the first instance on 4.1.2018, on which day, the trial Court shall fix an appropriate schedule.

5. The learned trial Judge shall endeavour to adjudicate the suits by 31.4.2018. It is expected that no further extension in this regard be sought for.

6. Parties shall co-operate with each other in the expeditious disposal of the proceedings before trial Court failing which the trial Court shall consider imposing costs.

(G.S.KULKARNI, J)