

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

918 WRIT PETITION NO. 3640 OF 2015

SHAIKH YUSUF SHAIKH ISA AND ANOTHER
VERSUS
NAYANA BHIKANSINGH PARDESHI AND ANOTHER

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Advocate for Petitioners : Mr. Vinod Prakash Patil.

Advocate for Respondents : Mr. Vijay B. Patil.

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CORAM : **V. K. JADHAV, J.**

DATE : 30th January, 2018.

ORDER:

. The learned counsel appearing for the parties submit that this writ petition is pending since 2015 and the order passed below Exhibit 18 in Special Civil Suit No.79 of 2014 is under challenge in this writ petition. It appears from the order passed below Exhibit 18 that there is no reference to the submissions made on behalf of the parties to the suit and even the say filed by the Plaintiffs is also not referred. The learned Judge of the Trial Court has directed to frame the preliminary issue in view of the Defendants' application Exhibit 18. The learned counsel appearing for the Petitioners, on instructions, submits that except this order, no other order is passed below Exhibit 1 in connection with the application Exhibit 18.

2 In view of the above, instead of setting aside the order passed below Exhibit 18 and sending the matter back directing the Trial Court to decide the application Exhibit 18 afresh after giving an opportunity of being heard to both the parties, by consent of the learned counsel appearing for both the parties, the Trial Court is directed to dispose of the suit as expeditiously as possible preferably within a period of six months from the date of this order and instead of deciding the issue of limitation as a preliminary issue, decide the said issue alongwith all other issues. Needless to say that the order passed below Exhibit 18 is quashed and set aside and in the light of the above directions, the writ petition is disposed of.

[V. K. JADHAV, J.]

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