

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10338 OF 2017

SHIVAJI NARAYAN TARANGE AND OTHERS
VERSUS
MOTILAL DEVICHAND GADIYA AND OTHERS

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Advocate for Petitioners : Mr. Devakate Anant R
Advocate for Respondent No.1 : Mr. Shaikh Shoyab

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CORAM : V. K. JADHAV, J.
DATED : 16th JANUARY, 2018

PER COURT:-

1. Learned counsel for the petitioners, on instructions, seeks leave to withdraw this writ petition. However, learned counsel for the petitioners submits that the lower appellate court while disposing of the appeal, has made observations touching to the merits of the suit and also to some extent, the conduct of parties. Learned counsel submits that the trial court should not get prejudiced because of the said observations. Learned counsel submits that in the peculiar facts and circumstances of the case, the trial court may be directed to expedite the hearing of the suit.

2. Learned counsel for respondent No.1 has no objection if the trial court is directed to expedite the hearing of the suit. Learned counsel however, submits that the observations made by the lower appellate court are restricted to the extent of examination of order

passed below Exh.5 by the trial court and those observations will not come in the way while deciding the suit on merits.

3. In view of above, leave granted. Writ petition is disposed of as withdrawn. The trial court shall dispose of the suit on its own merits without getting prejudiced by the observations made by the lower appellate court touching to the merits of the suit and to some extent the conduct of parties, as expeditiously as possible, preferably within a period of one year from today. Writ petition is disposed of.

(V. K. JADHAV, J.)

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