

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2447 OF 2014

SHIVAJI VISHWANATH PURI AND ANOTHER
VERSUS
UDHAV SHANKAR PURI

...

Advocate for the Petitioners : Shri C.D.Biradar h/f Shri Umakant P. Giri.

Advocate for the Respondent : Shri Panale Sachin S..

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 31st January, 2018

Per Court:

1 The Petitioners are aggrieved by the order dated 22.07.2013 passed by the Trial Court below Exhibit-35 filed by the Petitioners/ Plaintiffs in RCS No.135/2007.

2 I have considered the strenuous submissions of the learned Advocates for the respective sides.

3 Vide Exhibit-35, the Petitioners/ Plaintiffs had prayed that the consolidation scheme implemented in village Sugaon, Taluka Chakur, District Latur in respect of old Survey No.50 be sent under Section 36-B of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act to verify the correct consolidation scheme. This specific ground has already been taken in the suit, which is pending from 2007.

The Trial Court has rejected Exhibit-35 after concluding that the issues were already framed on 14.05.2010 and though the matter was posted on several dates, the Petitioners have failed to adduce their evidence.

4 It is obvious that the suit is pending for more than 10 years and the issues have been cast on 14.05.2010. It would be in the interest of the litigating sides that the suit is finally adjudicated upon and in the event of any grievance surviving, the Petitioners may then seek redressal of their grievance by resorting to such legal remedies as may be permissible in law, by taking up a comprehensive challenge.

5 Considering the above, this Writ Petition is disposed of.

6 As the suit is pending for more than 10 years, the Trial Court shall endeavour to decide RCS No.135/2007 on its own merits and without being influenced by its observations set out in the impugned order, as expeditiously as possible and preferably on or before 31.12.2018.

7 Needless to state, the litigating sides shall extend their cooperation to the Trial Court and shall refrain from seeking adjournments on unreasonable or trivial grounds, which the Trial Court will be at liberty to reject/ refuse. All contentions of the litigating sides are kept open.