

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

WRIT PETITION NO. 12154 OF 2016

Jeevan S/o Vinayak Jahagirdar

Petitioner...

Versus

Agricultural Produce Market Committee, Jamner,
Dist. Jalgaon & Anr.

Respondents...

.....
Mr Kishorkumar B. Borde, Advocate for the petitioner
Mr V. S. Badakh, AGP for respondent/State
.....

**CORAM : R. M. BORDE &
A. M. DHAVAL, JJ.**

DATE : 27TH JUNE, 2018.

PER COURT:-

1. After hearing both the parties, we are of the view that the objections raised in the writ petition need not be gone into considering the merit of the contentions and, issuance of directions to the Commercial Court to proceed with the suit in accordance with the provisions of the Civil Procedure Code, would serve the purpose.

2. Order XV-A Rule 1 of the Code of Civil Procedure provides that, the Court shall hold the First Case Management Hearing not

later than four weeks from the date of filing of affidavit of admission or denial of documents by all parties to the suit.

3. It would be open for the parties to tender fresh affidavit of admission or denial of documents and request to the Court to hold First Case Management Hearing.

4. The order to be passed in a Case Management Hearing is prescribed in Rule 2 of Order XV-A of the Code of Civil Procedure. The time limit for completion of a trial is set out in Rule 3 of Order XV-A of the Code of Civil Procedure. It is provided that, in fixing dates or setting time-limits for the purposes of Rule 2 of this Order, the Court shall ensure that the arguments are closed not later than six months from the date of the first case management hearing. Rule 4 of the Order XV-A of the Code of Civil Procedure provides that, the Court shall, as far as possible, ensure that the recording of evidence shall be carried on, on a day-to-day basis until the cross-examination of all the witnesses is complete. Rule 5 of the Order XV-A of the Code of Civil Procedure provides that, the Court may, if necessary, also hold Case Management Hearing any time during the trial to issue appropriate orders so as to ensure adherence by the parties to the dates fixed under Rule 2 and facilitate speedy disposal of the suit.

Powers of the Court in a Case Management Hearing are prescribed in Rule 6 of Order XV-A of the Code of Civil Procedure.

5. Considering the provisions of Order XV-A of the Code of Civil Procedure, it would be obligatory for the Commercial Court to decide the case within six months from the date of the First Case Management Hearing. The Commercial Court may observe the mandate of Rules 1 to 3 of the said Order XV-A. The Commercial Court shall decide the suit within six months from the date of First Case Management Hearing.

6. With the directions as above, the writ petition stands disposed of.

[A. M. DHAVALE]
JUDGE

[R. M. BORDE]
JUDGE

Punde