

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1181 OF 2018

Dinesh Chotulal Dadich ... Petitioner
Vs.
Malad Shopping Centre Pvt. Ltd. & another ... Respondents

Mr. A. A. Bhati i/b. Mr. Dharendra B. Singh for Petitioner.
Dr. Birendra Saraf, Senior Advocate a/w. Mr. Rajeev Carvalho and Mr.
Bharat Jain i/b. I. C. Legal for Respondents.

CORAM : R. G. KETKAR, J.
DATE : APRIL 13, 2018

P.C. :

Not on Board. At the request of Mr. Carvalho, taken up for admission.

2. Heard Mr. Bhati, learned Counsel for petitioner and Dr. Saraf, learned Counsel for respondents.

3. The Petition was heard at length yesterday. Dr. Saraf submitted that he will obtain written instructions from the respondents for setting aside the impugned order dated 03.11.2017 passed by the Appellate Court thereby restoring the order dated 29.06.2012 passed by the trial Court. He further requested that the trial Court may be directed to expedite proceedings of R.A.D. Suit No.105/170 of 2012 and dispose of the proceedings within a period of one year from the date of the order. Accordingly, Dr. Saraf has submitted Minutes of Order dated 13.04.2018 signed by the Advocate for respondents, which is taken on record and marked 'X' for identification.

4. In view thereof, Petition is disposed of in terms of the Minutes of

Order. The order dated 03.11.2017 passed by the Appellate Court in Miscellaneous Appeal No. 74 of 2012 is set aside and the order dated 29.06.2012 passed by the trial Court, below exhibit-10, is restored. The learned trial Judge is requested to dispose of R.A.D. Suit No.105/170 of 2012 within a period of one year from production of the authenticated copy of this order. All contentions of the parties on merits, including the issue of jurisdiction, are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab