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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2133 OF 2018

Shubhadra Tukaram Thorat (decd)

Through heirs

... Petitioners

V/s.

The State of Maharashtra

... Respondents

Mr. Santosh Musale, for the Petitioners

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 1st MARCH, 2018.

P.C. :

1] Heard learned counsel for the petitioners.

2] By this petition filed under Article 227 of the Constitution of India, the petitioners are seeking expeditious hearing of the trial in Suit No.227 of 2017 pending before the Joint Civil Judge, Senior Division, Pune.

3] It is submitted that respondent has filed an Application under Order VII Rule 11 of Code of Civil Procedure, for rejection of the plaint. On that application, arguments were advanced by both parties and the matter is kept for passing orders and adjourned to 02.12.2017, 16.12.2017, 19.12.2017, 08.01.2018, 11.01.2018 and finally on 15.2.2018. It is urged that the petitioner No.1 has died at

the age of 87 years and the petitioner Nos. 2 and 3 are also of the age of 68 and 58 years, respectively. The trial Court, therefore, be directed to pass order on the said application filed by respondent under Order VII Rule 11 of CPC.

4] It is submitted that the matter is kept tomorrow before the trial Court. In my considered opinion, this Writ Petition can be disposed of by with an expectation that the trial Court will decide the said application as expeditiously as possible and preferably by tomorrow itself.

5] The writ petition is accordingly disposed of.

6] The parties to act on the authenticated copy of this order.

[DR.SHALINI PHANSALKAR-JOSHI, J.]