

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

***WRIT PETITION NO.6771 OF 2015
ALONG WITH
WRIT PETITION NO.6173 OF 2015***

Sunil Bhagwan Pagare & Ors. .. Petitioners
Vs.
Nitin Bhagwan Pagare & Ors. .. Respondents

Mr.Clifford Martis for the petitioners.
Mr.Girish Agarwal for the respondent no.16.

***CORAM : R.D. DHANUKA, J.
DATE : 23rd August 2018***

P.C.:

. Learned counsel for the petitioners states that his client will file vakalatnama in Writ Petition No.6173 of 2015 also. Vakalatnama shall be filed within two weeks from today.

2. The petitioners have impugned the order dated 27th February 2015 passed by the learned District Judge-2, Niphad thereby setting aside the order dated 20th November 2014 passed by the learned Civil Judge, Senior Division, Niphad below Exhibit-5. There is no ad-interim relief granted by this Court. Writ petitions are pending since 2015. The pleadings are already completed in the trial Court proceedings.

3. In view of the aforesaid facts, I am not inclined to interfere with the impugned order dated 27th February 2015 passed by the learned District Judge-2, Niphad. Hearing of the suit is expedited.

4. Both the parties are directed to co-operate with each other and with the learned trial Judge in disposing of the suit expeditiously and will not seek any unnecessary adjournment. Learned trial Judge is directed to place the matter for framing issues after two weeks from the date of communication of the order and to fix an early date of hearing. It is made clear that this Court has not expressed any views on merit of the matter. The observations made by the Appeal Court are prima facie. Learned trial Judge shall decide the matter without being influenced by the observations made by the trial Court in the impugned order below Exhibit-5.

5. Both the writ petitions are disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.