

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

**APPEAL FROM ORDER NO. 838 OF 2015
WITH
CIVIL APPLICATION NO. 1028 OF 2015
IN
APPEAL FROM ORDER NO. 838 OF 2015**

Mr. Milan Jasvantrai Satikuvar & Ors.Appellants/Applicants
V/s.

Mrs. Nainaben Tarachand Jain & Ors.Respondents

Mr. C.K. Sasidharan for the appellants.
None for the respondents.

**CORAM : V.M. DESHPANDE, J.
DATED : 26th JUNE, 2018.**

P.C.:

. Heard Mr. C.K. Sasidharan, learned counsel for the appellants.
None present for the respondent when the matter was called out.

2. This appeal challenges the order dated 05th May, 2015 passed by the learned Judge, City Civil Court, Dindoshi, Mumbai in Notice of Motion No.2008 of 2013 in Special Civil Suit No. 2210 of 2013 by which the notice of motion taken out by the appellants / original plaintiffs was dismissed.

3. During the course of hearing, it is submitted by the learned counsel for the appellants that much water has flown below the bridge.

He submits that the suit itself is for final hearing and disposal since the affidavit-in-lieu of evidence is already filed on record. He, therefore, submits that the appeal itself can be disposed of by giving some directions to the Trial Court for early disposal of the suit. The prayer made by the learned counsel for the appellants is acceptable. In that view of the matter, I pass the following order :-

- (i) Appeal from Order is disposed of as not pressed.
- (ii) The impugned order dated 05th May, 2015 is hereby confirmed. The learned Judge, City Civil Court, Dindoshi, Mumbai on whose file Special Civil Suit No. 2210 of 2013 is pending, shall try and dispose of the said suit as expeditiously as possible within a period of one and half year from the date of receipt of this order.
- (iii) The learned Judge of the Trial Court shall not grant unnecessary adjournments on applications moved by the plaintiffs or the defendants.
- (iv) With this, Appeal from Order is disposed of with no order as to costs. All pending Civil Applications stands disposed of.

(V.M. DESHPANDE, J.)