

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

WRIT PETITION NO.11779 OF 2016

Prabodh Artha Sanchay Private Limited .. Petitioner
Vs.
Mahendra N. Thakkar & Ors. .. Respondents

Mr.Susbil Nimbkar for the petitioner.
Mr.Bipin J. Joshi for the respondent nos.1 to 4.

CORAM : R.D. DHANUKA, J.
DATE : 1st October 2018

P.C.:

. By this petition under Article 227 of the Constitution of India, the petitioner (original plaintiff) has impugned the order dated 30th September 2016 passed by the learned Ad-hoc District Judge-1, Pune allowing the Misc.Civil Appeal No.225 of 2016 filed by the respondent nos.1 to 4 (original defendant nos.1 to 4) impugning the order dated 30th August 2016 passed by the learned 3rd Joint Civil Judge, Junior Division, Pune rejecting the applications Exhibit-5 and Exhibit-34 filed by the respondent nos.1 to 4. The impugned order is passed by the Appellate Court on 30th September 2016. There is no ad-interim relief granted by this Court in this writ petition.

2. Mr.Joshi, learned counsel for the respondent nos.1 to 4 states that his clients would file written statement in the civil suit within one week from today and would serve a copy thereof upon the petitioner's advocate simultaneously. Statement is accepted.

3. The petitioner is already protected by granting interim relief in so far as possession of the suit property is concerned. The respondent nos.1 to 4 is also claiming rights in respect of the same suit property and are protected by the learned trial Judge. I am not inclined to interfere with the impugned order passed by the learned trial Judge. Hearing of the suit is expedited.

4. It is made clear that all observations made by the Appellate Court in the impugned order are prima facie. The trial Court shall decide the suit without being influenced by the observations made in the impugned order passed by the learned Ad-hoc District Judge-1, Pune. The trial Court shall make an endeavour to dispose of the suit within two years from the date of commencement of trial.

5. Both the parties are directed to co-operate with each other and with the learned trial Judge in expeditious disposal of the suit and shall not seek any unnecessary adjournment. Writ petition is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.

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