

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No. 92 OF 2016
WITH
CIVIL APPLICATION No. 121 OF 2016 IN A.O. No. 92 OF 2016

Ajit Bapulal Kachara ... Appellant/Applicant
Vs.

M/s. Kana Construction & Developers
through its Prop. Rajesh Yadav & Ors. ... Respondents

Mr. G.S. Godbole i/b. Mr. Yogesh B. Dandekar, Advocate for the
appellant/applicant.

Mr. Sandesh Patil a/w. Ms. Anusha P. Amin i/b. Chintan Shah,
Advocate for respondent no. 1.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **15th January, 2018.**

P.C.:

In this Appeal, the order dated 15th September, 2015 passed
by the learned Civil Judge Senior Division, Panvel below Exhibit 5 in
Special Civil Suit No. 501 of 2010 is challenged.

2. The learned counsel for the respondent No. 1/original plaintiff,
who is the main contesting party, submitted that the pleadings are
complete and the trial may proceed.

3. The learned counsel for the appellant/original defendant no. 9
submitted that the appellant has purchased the suit land by Tripartite

Agreement dated 21st July, 2008 and by order of injunction, the appellant is restrained from transferring, developing and constructing the suit property. He further submitted that the appellant is required to develop the land as per the time factor mentioned in the oral allotment by CIDCO in the Agreement of Lease. He submitted that without prejudice to the contentions that the order dated 15th September, 2015 of the trial Court is illegal, the suit is to be heard expeditiously.

4. In view of the submissions made by the learned counsel for both the sides, all contentions are kept open and the suit, as it is of 2010 and pending since last 7 years, is expedited, as the pleadings are complete. The parties to cooperate the trial Court and the said suit be expedited within 10 months from the receipt of the order by the trial Court. The trial Court to decide it afresh without getting influenced by the order passed below Exhibit 5.

5. Appeal from Order is disposed of. Civil Application is also accordingly disposed of.

(MRIDULA BHATKAR, J.)