

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4425 OF 2019
(Mahboob s/o Shaikh Noor Vs. Deepa w/o Shama Pawar and others)
IN
WRIT PETITION NO.9086 OF 2018

Mr.S.S.Kulkarni, Advocate for the applicant.
Mr.S.S.Kazi, Advocate for the respondents.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 03/05/2019

PER COURT :

1. I have heard the learned Advocates for the respective sides.
2. This is a motion for “speaking to the minutes” of the order dated 26/04/2019. Firstly, it is pointed out that the disposed off writ petition number is 9086/2018 and is wrongly mentioned as WP No.9098/2018 in the said order.
3. It is then submitted that on 26/04/2019, this Court had passed a reasoned order, by which time to decide RCS 138/1979 was extended beyond 30/04/2019, upto 31/08/2019. Learned Advocate Mr.Kazi confirms that this order was dictated in the open Court, though it is not reflected in the order of this Court, which is

uploaded.

4. It is further submitted that this Court had directed the Trial Court to decide RCS No.138/1979 on or before 30/04/2019, vide order dated 21/01/2019 passed in WP No.9086/2018. It is stated that certain objections are to be considered by the Court below and the same would be ignored if the deadline of 30/04/2019 is to be met.

5. In view of the above and since the learned Advocates for both the sides confirm that this Court had dictated an order granting extension of time, that this motion is allowed. The order dated 26/04/2019 in CA No.4425/2019 in disposed of Writ Petition No.9086/2018, is recalled.

6. The civil application is allowed with the following directions :-

- [a] The Trial Court shall decide RCS No.138/1979 on or before 31/08/2019.
- [b] The matter can be conducted on day to day basis.
- [c] The Trial Court would refuse an adjournment applications and would impose costs while rejecting such applications, if unreasonable grounds are put forth.

[d] The Trial Court would also be at liberty to reject frivolous applications filed by either of the parties, which would indicate that the parties intend to delay the matter.

(Ravindra V.Ghuge, J.)