

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 WRIT PETITION NO.7038 OF 2014
WITH CA/12009/2015 IN WP/7038/2014

KALYAN NARHARI AATKARE
VERSUS
CHANDARKANT NARHARI AATKARE

.....
Advocate for Petitioner : Mr. Ganesh J. Kore
Advocate for Respondent : Mr. R.A. Deshmukh
.....

CORAM : V. K. JADHAV, J.
DATED : 28th NOVEMBER, 2019

PER COURT:-

1. By consent of the parties, heard finally at admission stage.
2. This writ petition has been preferred against the order of closure of evidence dated 5.4.2014 passed below Exh.1 in Regular Civil Suit No. 60 of 2013 instituted by the respondent-plaintiff for partition and separate possession. In view of the interim order passed by this court, way back in the year 2014, further proceedings in the suit are stayed. Hence, by consent of the parties, I proceed to pass the following order:-

O R D E R

- I. The impugned order dated 5.4.2014 passed below Exh.1 pursuant to rejection of application Exh.39 is hereby quashed and set aside.

II. The order dated 21.4.2014 passed below Exh.39 is quashed and set aside and application Exh.39 is allowed subject to payment of costs of Rs.2000/- (Rupees Two thousand only) to be paid by the petitioner to the respondent-plaintiff within a period of four weeks from today, with following conditions:-

- a. The petitioner-defendant shall complete his evidence within a period of two months from today. Learned counsel for the petitioner-original defendant accepts the same and assures this court that the petitioner-original defendant would adduce his evidence within a period of two months from today.
- b. The trial court shall dispose of the suit as expeditiously as possible and preferably within a period of six months from the date of completion of evidence of the petitioner-defendant.

III. Writ petition is accordingly disposed.

IV. In view of disposal of writ petition, nothing survives for consideration in civil application No. 12009 of 2015 and the same is also disposed of.

(V. K. JADHAV, J.)