

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8103 OF 2018

Rajendra S/o Kondan jadhav & another

Petitioners

Versus

Maloba s/o Janardhan Jadhav & others

Respondents

Mr.S.S. Choudhary advocate for the petitioners

Mr.S.N. Patne, advocate for Respondents

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CORAM : **RAVINDRA V. GHUGE, JUDGE**

(Date : 20th March, 2019)

PER COURT :-

1 On 19.7.2018, this Court had passed the following order:-

"1. Learned counsel for petitioners points out that arguments on amendment application had been heard on 10th April, 2017 and order has been passed way down after fifteen months on 5th July, 2018.

2. Issue notice to respondents, returnable on 20th August, 2018.

3. In addition to service through court process, petitioners shall serve respondents by any legally acceptable private mode of service and file affidavit along with tangible proof to that effect within a period of one week before returnable date.

2 I have heard the learned Advocates for the respective sides.

3 It is undisputed that, the application Exhibit 49 filed by the respondent - plaintiff, seeking an amendment to the plaint in RCS 69/2014, was filed on 13.1.2017. The petitioner defendant Nos.1 and 2 filed their reply on 1.2.2017.

4 The grievance of the petitioners is that, the arguments on the amendment application were heard by the trial Court on 10.4.2017 and the impugned order was passed on 5.7.2018, which is after about 15 months.

5 It is settled law that, the judicial discipline requires passing of the orders within a particular time-frame, unless circumstances indicate that, it was beyond the control of the judicial officer. It is also well settled that, if a longer duration has passed after the arguments are heard, the concerned judicial officer should re-list the matter for fresh arguments and then pass orders.

6 In view of the above, the impugned order dated 5.7.2018 is quashed and set aside. Application Exhibit 49 is restored to the file of the Trial Court in RCS No.69/2014.

7 The litigating sides shall appear before the Trial Court on 8.4.2019 and shall advance their submissions on Exhibit 49, without seeking an adjournment.

8 The Trial Court is expected to decide Exhibit 49, by passing an order, without being influenced by its earlier order, on or before 30.4.2019.

9. The learned Registrar (Judicial) shall place a copy of this order before the Learned Judicial officer Shri T.P. Mote.

**(RAVINDRA V. GHUGE),
JUDGE**