

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8441 OF 2019

Shaikh Aftab Ahmed s/o Shaikh
Akhlaque Ahmed & another

Petitioners

Versus

Bhimrao s/o Sandu Waghmare
and others

Respondents

Mr.A.D.Kasliwal, Advocate for the petitioners.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 15/07/2019

PER COURT :

1 The learned Advocate for the petitioners has strenuously criticised the impugned order passed by the trial Court dated 05.07.2019, by which application Exhibit-36 filed in Special Civil Suit No.331 of 2014, for staying the suit, has been rejected.

2 I have heard the submissions of the learned Advocate for the petitioners. He has drawn my attention to the grounds formulated in the memo of the petition.

3 Special Civil Suit No.331 of 2014 was filed on 25.11.2014. The earlier suit, RCS No.962 of 2014 was filed on 05.11.2014. This Court has directed, by a specific order dated 04.12.2018 passed in W.P. No.1384 of 2017, that the present Special Civil Suit No.331 of 2014 shall be decided, in any case, on or before 30.09.2019.

4 I find that the application Exhibit-36 has been filed in 2019 when the said application could have been filed in December 2014 making out a grievance. After this Court has directed that the suit be decided within the time frame, such an application filed after five years and that too in the face of the order of this Court, has been rightly rejected by the trial Court vide the impugned order.

5 In view of the above, this petition, being devoid of merits, is, therefore, dismissed. The trial Court is expected to decide Special Civil Suit No.331 of 2014 within the time frame directed by this Court and if necessary, would proceed in the said suit on day-to-day basis.

(RAVINDRA V. GHUGE, J.)