

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.10455 OF 2019

**TUKARAM BUDHA MALI
VERSUS
SUNIL VITTHAL PATIL AND OTHERS**

**WITH
WRIT PETITION NO. 10458 OF 2019**

**NAMDEV DEOCHAND MALI AND OTHERS
VERSUS
SUNIL VITTHAL PATIL AND OTHERS**

**WITH
WRIT PETITION NO. 10459 OF 2019**

**VIJAY PUNDLIK MALI AND OTHERS
VERSUS
SUNIL VITTHAL PATIL AND OTHERS**

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Advocate for the Petitioners : Shri S. S. Bora

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 7th SEPTEMBER, 2019.

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PER COURT :

1. I have considered the strenuous submissions of Shri Bora, learned Advocate appearing on behalf of the petitioners.
2. I am not causing an interference in this matter and since the proceedings are of 2011 and are now posted at a stage of 'last chance granted to the plaintiff to lead evidence', failing

which, the Trial Court is to dismiss the suit.

3. The learned Advocate for the petitioners, therefore, submits on instructions that these petitioners may be permitted to withdraw these petitions and the suit may be expedited by keeping all contentions of the parties open.

4. In view of the above, these petitions are disposed off as withdrawn on instructions.

5. Considering the impugned orders passed by the Trial Court concluding that the issue under Order VII Rule 11(d) of the Code of Civil Procedure need not be entertained at this stage and can be considered at the time of final adjudication since a mixed question of facts and law is involved, I deem it appropriate to direct the Trial Court to decide these three suits which are clubbed together, as expeditiously as possible and in any case, on or before 29/02/2020. Needless to state, the Trial Court would refrain from granting adjournments to the parties on unreasonable or trivial grounds.

(RAVINDRA V. GHUGE, J.)

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