

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.3 OF 2019
IN
APPEAL FROM ORDER (STAMP) NO.33708 OF 2018

Abdul Hameed Khan Matwan	 Petitioner
V/s.	
Shabbir Ahmed S. Khan	 Respondent

Mr. Mahendra M. Agavekar for the Petitioner.

Ms. Siddhi Bhosale for the Respondent.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 4TH FEBRUARY, 2019.

P.C. :

1. Heard learned counsel for the Petitioner and for the Respondent.
2. This Petition is filed for review of the order dated 14th January 2019 passed by this Court.
3. It is submitted that, in view of the submission made by learned counsel for the Respondent that the Suit is already fixed for recording of evidence and evidence affidavit of the Respondent-Plaintiff is filed on record, this Court has directed to decide the Suit as expeditiously as possible, instead of deciding this Appeal on merits.
4. Learned counsel for the Appellant points out to the 'Daily Sheet' of the Trial Court to show that, even 'Issues' are also not framed as on

today and, therefore, the submission made, on that day, by learned counsel for the Respondent was not correct.

5. Learned counsel for the Respondent fairly concedes that the said submission was made, inadvertently, on the basis of the instructions received from the client and she may be excused for the same.

6. Learned counsel for the Appellant fairly submits that, as the hearing of the Suit is already expedited, he is not pressing for modification of the said order, except for the aforesaid correction.

7. Accordingly, the Review Petition is allowed to this limited extent. The order dated 14th January 2019 is modified only in respect of paragraph No.2, wherein it was stated that,

“The Suit is already fixed for recording of evidence and the evidence affidavit of the Respondent-Plaintiff is filed on record.”

8. The words “*for recording of evidence*” mentioned in the aforesaid paragraph stands corrected to read as **“for framing of issues”**.

9. Accordingly, the time-limit for expeditious disposal of the Suit is extended by a period of six months from the date of receipt of the order.

10. Review Petition stands disposed off in the above terms.

11. Parties to act on the authenticated copy of this order.

[DR. SHALINI PHANSALKAR-JOSHI, J.]