

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 1968 OF 2019
ALONG WITH
CRIMINAL APPLICATION NO. 411 OF 2019
IN
CRIMINAL WRIT PETITION NO. 1968 OF 2019**

Prafulla Nityanand Naik

...Petitioner

Versus

Nityanand Narayan Naik & Ors.

...Respondents

**ALONG WITH
CRIMINAL WRIT PETITION NO. 3242 OF 2019**

Nityanand Narayan Naik

...Petitioner

Versus

Prafulla Nityanand Naik & Ors.

...Respondents

Mr. Rajkumar Mishra i/b. Mr. S.R. Moray for Petitioner in WP No. 1968/2019.

Mr. Rajkumar Mishra i/b. R.K. Mishra & Co. Respondent No. 1 in WP No. 3242/2019.

Mr. Yogesh Bhoge i/b. Jurusperitus Mumbai-Respondent No. 3-HDFC.

Mr. Neveille Mukerji i/b. Vertias Legal for Respondent No. 2 in WP No. 1968/19.

Mrs. G.P. Mulekar, APP for Respondent-State.

Mr. Abhag G. Redij for Petitioner in W.P. No. 3242/19.

CORAM : S.S. SHINDE, J.

DATE : 26th SEPTEMBER 2019

PER COURT:

1. Learned counsel appearing for Petitioners after arguing the matter for some time, on instructions seeks permission to withdrawn the

petitions. Leave granted. Both writ petitions are dismissed as withdrawn. The contentions raised on merits are kept open to be agitated before the Trial Court.

2. Learned counsel appearing for the parties jointly submits that the Trial Court may be directed to expedite and decide the pending proceedings within stipulated period. They assured that, parties will extend full co-operation for early disposal of pending proceedings and shall not pray for unnecessary adjournments, unless there is compelling reasons to seek an adjournment.

3. Since the proceedings before the Trial Court are pending from the year 2014, the Trial Court is directed to expedite the proceedings and take final decision as expeditiously as possible, however, within three months from today. The Trial Court shall not grant an adjournment to the parties, unless there is compelling reasons to grant an adjournment.

4. Liberty to the parties to file an appropriate application before the Trial Court, if they want to seek urgent reliefs.

5. Since the Petitioners wish to resort to an appropriate remedy, limited protection of four weeks is granted, thereby directing Respondent

No. 3 not to take the possession of subject premises i.e. Flat No. 1502 for four weeks from today.

6. Learned Chief Metropolitan Magistrate, Mumbai, At Esplanade, shall ensure that, the aforesaid pending proceedings are decided within aforesaid stipulated period. If the presiding officer of the said Court is not available, the Chief Metropolitan Magistrate shall forthwith entrust the case to another presiding officer.

7. In view of the disposal of Writ Petition No. 1968 of 2019, Criminal Application No. 411 of 2019 does not survive and same stands disposed of as such. However, contentions raised in said criminal application on merits are kept open.

[S.S. SHINDE, J.]