

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14230 OF 2016**

Mira Bhayander Municipal Corporation

Through the Commissioner .. Petitioner

Versus

Mr. Ashraf Gulam Rasool Patel .. Respondent

Mr. M.S. Lagu for petitioner.

CORAM : K.K. TATED, J.

DATE : 05 MARCH 2019.

P.C:-

. Heard learned Counsel for the petitioner.

2. By this writ petition under Article 227 of the Constitution of India, petitioner/original defendant is challenging the judgment dated 29.03.2016 passed by the Appellate Court in Misc. Civil Appeal No.128 of 2015 confirming the order dated 05.05.2015 passed by 5th Joint Civil Judge, Senior Division, Thane below Exhibit-5 in Regular Civil Suit No.522 of 2014.

3. The learned Counsel for the petitioner submits that at the time of dismissing their Miscellaneous Civil Appeal No.128 of 2015, the Appellate Court directed the trial Court to decide the Regular Civil Suit No.522 of 2014 within six months from the date

of the communication of the said order. He submits that in spite of that order, suit is pending on its own merits. He submits that this Hon'ble Court be pleased to direct the trial Court to decide the Regular Civil Suit No.522 of 2014 as early as possible. He submits that in view of these facts, he don't want to press the present writ petition. Statement is accepted.

4. Considering the submissions made by learned Counsel for the petitioner and the impugned order dated 29.03.2016 passed by the Appellate Court, following order is passed :-

- a) Learned Civil Judge, Senior Division, Thane is directed to decide the Regular Civil Suit No.522 of 2014 as early as possible, but in any case on or before 30.06.2019.
- b) Writ Petition stands disposed of as not pressed.
- c) No order as to costs.

(K.K. TATED, J.)