

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1800 OF 2019
IN
WRIT PETITION NO. 13174 OF 2017

Narendra D. Dave (HUF Karta)

and anr.

.. Applicants

vs.

M/s. Mark Constructions

& ors.

.. Respondents

Mr. Induprakash Tripathi I/b C.K. Tripathi for the Applicants.

Mr. J.S. Shukla I/b Mr. Vaibhav Mehta and Associates for Respondent Nos.1 and 2.

Mr. Piyush Shah a/w. D. Shah Respondent No.3.

CORAM : R. G. KETKAR, J.

DATE : 6th AUGUST 2019.

P.C. :-

1] Heard Mr. Induprakash Tripathi, learned counsel for the applicants, Mr. J.S. Shukla, learned counsel for respondent Nos.1 and 2 and Mr. Piyush Shah, learned counsel for respondent No.3.

2] By this application, the applicants have prayed for directing the learned Trial Judge to expedite the hearing of L.E.& C. No.58/65 of 2014 pending in the Small Causes court, Mumbai in a time bound manner.

3] With the assistance of learned counsel for the parties, I have perused the materials on record. The main petition, i.e., Writ Petition No. 13174 of 2017 was already disposed of by this Court on 18th December 2018. Paragraph 3 of that order reads thus:

“3. The learned Counsel for the petitioners further points out that the evidence of the petitioners has already commenced. He further submits that the respondents are unnecessarily delaying the trial before the learned Trial Court. The learned Counsel for respondent no.3 clarifies that respondent no.3 is not delaying the trial, but it is possible that respondent nos.1 and 2 are delaying the trial. The learned Counsel for the petitioners states that even respondent no.4 is delaying the trial. Since, the evidence has already commenced, the Trial Court should not grant any unnecessary adjournments which would cause delay in trial.”

4] In view thereof, it is not necessary to issue further directions as claimed in prayer clause (a). Hence, Civil Application is disposed of. Order accordingly.

(R. G. KETKAR, J.)