

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6021 OF 2017

Bramhajeet & ors. ...Petitioners

Versus

Nalini Kantilal & ors. ...Respondents

Mr. A. S. Rao, I/b Mr. Prashant C. Kamble, for the
Petitioners.

CORAM: N. J. JAMADAR, J.

DATED: 21st JUNE, 2019

PC:-

1. Heard Mr. Rao, the learned Counsel for the Petitioners.
2. After arguing for some time, on the aspect of the admission of the petition, the learned Counsel for the Petitioners submits that in the intervening period the trial court has proceeded with the hearing of the suit and the recording of evidence for the Plaintiffs has been concluded and the evidence on behalf of the Defendants is being recorded. In the circumstances, the learned Counsel for the Petitioners submits that the Petitioners may not pursue with the challenge to the impugned order, if the trial court is directed to hear and decide the suit i.e. Regular Civil Suit No.55 of 2013, within a stipulated period.

3. Having regard to the nature of the initial order below 'Exhibit 55' and 'Exhibit 63' dated 7th October, 2015, which came to be interfered with by the Appellate Court by order dated 8th March, 2016, the petition does not deserve to be entertained.

4. Since it is submitted that the hearing of the suit, RCS No.55 of 2013, has reached an advanced stage, this petition can be disposed of by directing the learned Civil Judge, Junior Division, Wada, District Thane to hear and decide RCS No.55 of 2013 in accordance with law, as expeditiously as possible, and preferably within nine months from the date of receipt of this order.

5. The petition stands disposed of accordingly.

[N. J. JAMADAR, J.]