

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

13. WRIT PETITION NO. 1391 OF 2020

Babasaheb @ Babarao S/o Ramkrishna Korde	... <u>Petitioner</u>
<u>VERSUS</u>	
Namdeo S/o Babasaheb Korde and another	... <u>Respondents</u>

Mr. P.B. Rakhunde, Adv., h/f. Mr. S.B. Bhapkar, Adv. for petitioner

CORAM : ROHIT B. DEO, J.

DATE : 29th January, 2020

PER COURT :

1. The grievance of the petitioner, who is defendant No.1 in Reg. civil suit No. 186/2002, which is instituted by the respondents for partition and separate possession, is that the Trial Court is showing undue indulgence to the plaintiffs-respondents herein.

2. Defendant No.1 preferred an application dated 25th October 2017 pointing out that the plaintiffs are not proceeding with the suit and seeking dismissal of the suit. Vide cryptic order dated 20/02/2019 the Trial Court was pleased to reject the said application with the observation that the plaintiffs had taken steps to proceed with the suit.

3. The order-sheet is not filed. It is, therefore, not possible for me to examine the correctness of the averment that no steps are taken by the plaintiffs and that the Trial Court is showing indulgence in the matter.

4. I am not inclined to interfere in the writ jurisdiction.

5. However, since the suit is of the year 2002, the Trial Court is requested to decide the suit as expeditiously as possible and, in any event, within 12 months.

**(ROHIT B. DEO)
JUDGE**

Madkar