

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 7740 OF 2019

Rajesh Hirji Shah through LRs.

vs.

M/s. Narayani Fit and Active through its partners

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri. R. M. Sharma counsel for the petitioner.
None for respondents.

CORAM : MANISH PITALE J.

DATED : 04/03/2020

By this writ petition, the petitioners (original plaintiffs) have challenged orders dated 09/10/2019, passed by the Additional Judge Small Causes Court, Nagpur on Exh.83 and 84, whereby applications filed by the respondents for permission to cross-examine the plaintiffs and permission to lead evidence on behalf of the defendants, have been allowed.

2. It is pointed out by the learned counsel for the petitioners that the petitioners had filed Regular Civil Suit No.374/2013 for ejectment, recovery of license fees, as also other reliefs based on agreement of leave and license. It is submitted that only in order to protract proceedings before the Court below, the defendants have deliberately delayed the matter and after adverse orders were passed against them, they had approached the

Court below for the reliefs sought in the applications that have been allowed by the impugned orders.

3. It is submitted that looking to the conduct of the respondents, the applications ought not to have been allowed and that allowing such applications amounts to giving premium to the delaying tactics adopted by the respondents.

4. Notice was issued by this Court in the present writ petition on 25/11/2019. Despite service, the respondents have chosen not to appear before this Court. It appears that on 06/12/2019, counsel had appeared and sought time, but no Vakalatnama has been filed by any counsel on behalf of respondents and none appeared on their behalf. Today, when the writ petition was called out for hearing, the respondents again failed to appear before this Court. In this backdrop, the learned counsel for the petitioners submitted that the real concern of the petitioners was expeditious disposal of their suit, which has been pending before the Court below for about 07 years. It is fairly stated on behalf of the petitioners that even if the impugned orders were not interfered with and if direction is given for prompt disposal of the suit to the Court below, it would meet the ends of justice.

5. In view of the above, the writ petition is disposed of with a direction to the Small Causes Court, Nagpur, to ensure that R.C.S. No.374/2013 is disposed

of finally on or before **30th June, 2020**. It is made clear that no further time or extension will be granted by this Court for disposal of the aforesaid suit and therefore, the Court below will have to expedite the proceedings to meet the aforesaid deadline. The parties, particularly the respondents herein are directed to co-operate with the Court below to ensure that the direction given by this Court regarding disposal of the suit on or before **30th June, 2020**, is abided.

6. The writ petition is disposed of with above observations. No order as to costs.

JUDGE