IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 338 OF 2018
WITH
CIVIL APPLICATION (CAA) NO. 444 OF 2018

Amey Prabhakar Gokhale & Anr. … Appellants
V/s.
Pune Municipal Corporation & Anr. … Respondents

Mr.Y.S. Jahagirdar, Senior Advocate i/b. Mr.S.S. Kanetkar for Appellants.
Mr.A.P. Kulkarni for Respondent No.1.
Mr.S.N. Chandrachood for Respondent No.2.

CORAM : A.S. GADKARI, J.
DATE : 20th October 2021.

P.C. :

1. Appellants have impugned Order dated 15th January 2018, below Exh.5 in Special Civil Suit No.449 of 2014 passed by 6th Jt. Civil Judge, Senior Division, Pune.

2. Heard Mr.Jahagirdar, learned counsel for the Appellants, Mr.Kulkarni, learned counsel for Respondent No.1 and Mr.Chandrachood, learned counsel for Respondent No.2. Perused record.

3. The record indicates that, by an Order dated 27th April 2018, this Court granted ad-interim relief in favour of Appellants and the same is still subsisting.

4. Mr.Chandrachood, learned counsel for Respondent No.2 has a grievance that, due to the said ad-interim relief granted in favour of the Appellant, the proceedings before the Trial Court pertaining to Special Civil Suit No. 449 of 2014 are stayed.

5. During the course of arguments, there is a consensus amongst the learned counsel for the respective parties that, it is necessary to expedite the hearing of the said suit.

6. The record indicates that, the said Special Civil Suit No. 449 of 2014 is pending for final adjudication for last about 7 years on the file of the Trial Court.

In view thereof, it will be appropriate in the interest of justice to direct the learned 6th Jt. Civil Judge, Senior Division, Pune to hear and decide the said Special Civil Suit No. 449 of 2014 within a period of one year from the date of receipt of the present Order.

7. The ad-interim relief, granted by Order dated 27th April 2018 to remain in force till disposal of the said Special Civil Suit No. 449 of 2014.

8. In view of the above, nothing further survives in the present Appeal.

Appeal is accordingly disposed off in the aforesaid terms.

9. In view of disposal of Appeal, Civil Application No.444 of 2018 does not survive and is accordingly disposed off.

10. The parties herein are directed to produce copy of the present Order before the Trial Court on 27th October 2021.

11. All the concerned to act on the basis of an authenticated copy of the present Order.

[A.S. GADKARI, J.]

OMKAR SHIVAHAR KUMBHAKARN
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Date: 2021.10.21 15:37:25 +0530