

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8337 OF 2018

Yakub Mainuddin Varekar .. Petitioner
Versus
Seludhan Mistry through her C.A.
Mr.Vikas Walavalkar and Anr. .. Respondents

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None for the Petitioner.

Mr.Kunal Bhanage with Mr.Akshay Pawar i/b Ms.Vidhi Thaker
for Respondent Nos.1 and 2.

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CORAM: BHARATI DANGRE, J.
DATED : 11th OCTOBER, 2021

P.C:-

1. The petitioner/plaintiff has filed a suit for declaration and injunction and has examined PW 1 and PW 2. The cross-examination of PW 2 was concluded on 24/08/2015.

2. In all four applications were moved by the plaintiff for issuance of summons and for seeking directions to the defendants to produce certain documents. By common order passed on 24/01/2018, all the four applications came to be dismissed. The Court recorded the defendants' submission that the original conveyance deed and power of attorney, the production of which was sought by the plaintiff by filing two applications, were brought before the Court for perusal of the plaintiff. But, the plaintiff failed to verify the original

documents and filed the applications to protract the litigation. The Court being conscious of the fact that the matter is pending since 2003, after rejecting the applications, directed the plaintiff to proceed with the further evidence on the next date.

3. The order, which is impugned, is passed on 24/01/2018. Learned counsel for the Respondents states that there is no progress in the matter. It is informed that the next date of hearing is 14/10/2021. Looking to the attempts on part of the plaintiff to protract the litigation and as the learned Judge himself has observed in the impugned order, care should be taken by the learned Judge to conclude the proceedings and no frivolous applications filed with an intention to protract the trial shall be entertained. Nothing more needs to be said.

4. The Writ Petition is disposed of with the aforesaid observations.

(SMT. BHARATI DANGRE, J.)