

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 695 OF 2016****WITH****CIVIL APPLICATION NO. 877 OF 2016**

Smt. Chandrikaben Gunvantbhai Shah and Ors.	}	... Appellants (Orig.Defendant Nos.1 to 6 & 8)
V/s.		
M/s Sanghvi Developers Pvt. Ltd. and Ors.	}	... Respondents (Orig.Plaintiffs 1 to 4 and Def. No.7& 8)

Mr.Sandesh D.Patil, Advocate for Appellants.

Mr.A.V. Anturkar, Sr. Advocate i/b. Dormman Dalal for Respondent Nos.1 to 4.

CORAM : A.S. GADKARI, J.

DATE : 6th October 2021.

PC. :

1. Appellants have impugned Order dated 28th April, 2016 passed below Exh.101 in Special Civil Suit No.478 of 2011, by the learned 6th Joint Civil Judge, Senior Division, Thane.

2. During the course of arguments, there is a consensus between the learned counsel appearing for the respective parties that, it is necessary that the Special Civil Suit No.478 of 2011 be heard expeditiously to crystallize the issues involved in the said suit.

3. The Special Civil Suit No.478 of 2011 is pending for final adjudication on the file of 6th Joint Civil Judge, Senior Division, Thane for last

about 10 years.

In view thereof, it will be appropriate to direct the learned 6th Joint Civil Judge, Senior Division, Thane seized of Special Civil Suit No.478 of 2011, to expedite the hearing of the said suit and to make an endeavour to dispose it of within a period of one year from the date of receipt of the present Order.

4. It is needless to mention here that, aforestated Order is passed on the basis of consensus reached by the learned counsel for the respective parties and this Court has not dealt with the merits involved in the impugned Order dated 28th April, 2016 passed below Exh.101 in Special Civil Suit No.478 of 2011.

5. Till the decision of the said suit, both the parties herein have agreed to maintain status-quo as of today.

6. It is made clear that, the observations made by the Trial Court in the said impugned Order dated 28th April, 2016 are *prima facie* in nature and are made in the context for decision of the said Application below Exh.101 filed under Order 39 Rule 1 and 2 of the C.P.C..

7. Appeal is disposed off in the aforesaid terms.

8. In view of disposal of Appeal itself, Civil Application No.877 of 2016 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]