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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2462 OF 2021

IN

WRIT PETITION NO. 3214 OF 2017

Romell Housing LLP & Anr.

...Petitioners.

Versus

The State of Maharashtra & Others.

..Respondents.

Mr. Girish Godbole, Merlyn Dias, Namit Pansare and Suyesh Sulel i/b B. G. Ligade for the Applicants / petitioners.

Mrs. Aruna S. Pai, APP for the Respondent-State.

Mr. Amarendra Mishra for Respondent Nos. 9, 10 and 11.

Mr. Chintan Shah h/f Mr. Sandesh D. Patil for Respondent Nos.12 and 13.

CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.

Date : December 20, 2021.

P. C. :

1. A limited prayer is sought for in this application. The prayer clause (a) reads thus :

"(a) This Hon'ble Court may be pleased to issue suitable directions to the Ld. Sessions Judge, Sessions Court, Dindoshi, Mumbai to expeditiously hear and dispose of Criminal Revision Application No.340 of 2019 by treating the same as an urgent matter and dispose off the same preferably on or before 31.8.2019 or such other date as this Hon'ble Court may deem fit, just and property by preponing the date."

2. Learned counsel Mr. Girish Godbole appearing for the applicants / petitioners invited our attention to a series of orders passed by this Court as well as by the Hon'ble the Apex Court, namely, order of the Division Bench of this Court dated 14th February 2018, then another

order of the Division Bench of this Court dated 14th December 2018, orders of the Apex Court dated 30th July 2019 and 9th March 2018. Mr. Godbole, learned counsel appearing on behalf the Petitioners invited the attention of this Court to the orders passed by the Metropolitan Magistrate, 26th Court, Borivali, Mumbai dated 21st December 2019 placed on record at Exhibit-E (page No. 37 to 57) of the petition, whereby the learned Magistrate has decided the case and findings on the backdrop of reasoning assigned by the Magistrate resulting in the order are as follows :

"ORDER

1. *On 22.4.2017, opposite party no.1 was in possession over disputed property.*
2. *Opposite party no.1 is entitled to take possession of disputed property from Receiver.*
3. *Opposite party no.1 is entitled for possession of disputed property subject to decision of competent Civil Court in the suit for possession."*

3. Learned counsel for the Applicants submitted that being aggrieved by the order of learned Magistrate, opposite no.2 and another preferred a revision before the revisional Court, i.e., the Additional Sessions Judge, Dindoshi Division, Mumbai. Our attention was invited to the copy of order-sheet (roznama) placed on record at Exhibit-G to the petition, to submit that matter was listed before the Additional Sessions

Judge on some dates either on account of adjournment or some technical difficulties, such as the operation of SOPs in view of Covid-19 pandemic; the matter could not be heard finally and on 23rd February 2021 by consent of parties, the matter was fixed for final argument on 20th March 2021. The order-sheet for 20th March 2021 reads thus :

Business	:	20.3.2021 CORAM – H.H.J. SHRI. L.S.CHAVAN (C.R.NO.10) Cri Rev 340/19 APP. Usha Jadhav for State present. Adv. A. P. Mishra for Applicant present. Adv Vassbora for Respondent No. 2 and 3 present. Exh 7 Vakalat nama filed by adv for Applicant. Exh 8 Application for taking on record supplementary chargsheet filed by adv for Applicant. Hence, adjd to 17-04-2021 for Hearing.
Next Purpose	:	HEARING.
Next Hearing Date	:	17-04-2021.

4. On 17th April 2021, due to declaration of holiday for courts, the matter was again adjourned to 13th July 2021. Learned counsel Mr. Godbole appearing on behalf of the Petitioner submitted that on that day also the matter was adjourned and now as per the instructions received by him, the matter is listed for final hearing / arguments on 7th January 2022.

5. Learned counsel Mr. Godbole appearing on behalf of the Applicants/Petitioners submitted that the applicants apprehend that if on one or the other reason, the matter is again adjourned or the date is

postponed, it would result in further delay in the proceedings and the Apex Court in its order was pleased to observe that to give quietus to the proceedings, the order is being passed. He further submitted that the delay in proceeding would only frustrate the expectation and intention of the Apex Court.

6. *Per contra*, learned counsel appearing for opposite party no.1, i.e., revisional Applicant before the revisional Court and Respondent No.9 in the present application, submitted that the revisional Applicant is also desirous of early decision in the matter and on all those dates fixed before the Court, the revisional Applicant was ready to prosecute his revision application on merits, but for some technical difficulties, the matter was adjourned.

7. As the contesting parties are before this Court, other respondents, who were made party for different reasons, in our opinion, need not be called upon for deciding the present application and as the contesting parties *in tandem* submitted before this Court that they are desirous of early decision on the revision application, we deem it appropriate to dispose of the present interim application with direction to the learned Additional Sessions Judge, Dindoshi Division, Mumbai hearing the revision application No.340 of 2019, to decide the said

revision application as expeditiously as possible.

8. The submission before this Court that parties are willing to extend their co-operation to the revisional Court for early decision is accepted as an undertaking to this Court. We hope and trust that neither the applicants nor the contesting respondents would pray for unnecessary adjournments. We further make it clear that if the Court hearing the revisional application finds that the adjournments are sought for on untenable and unreasonable grounds, the revisional Court is at liberty to pass appropriate orders, including the imposition of costs on the parties causing delay.

9. With the aforesaid directions, interim application is disposed of.

[S. M. Modak, J.]

[Prasanna B. Varale, J.]