

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6286 OF 2021

PZ Developers LLP

...Petitioner

vs.

Nazish Shafique Ahmed Bardi & Ors.

...Respondents

Mr.Rupesh Geete i/b. Parinam Law Associates for Petitioner.

Mr.R.D. Suryavanshi for Respondent Nos.2, 3 and 7.

Mr.Aamir Kadoria with Umar Dalal for Respondent No.12.

CORAM : BHARATI DANGRE, J.

DATED : 4 OCTOBER 2021

P.C. :

. The Petitioner is aggrieved by the postponement of Special Civil Suit No.19/2020 by Civil Judge, Senior Division, Bhiwandi to 20 December 2021 after recording a compromise between the plaintiff and defendant no.11.

Heard learned Counsel for the Petitioner, learned Counsel for Respondent Nos.2, 3 and 7 and learned Counsel for Respondent No.12.

2. I do not feel it necessary to notice the other Respondents, who are not present. On hearing Counsel for the Petitioner and the Respondents, who are represented by their respective Counsel, what can be gathered is that the compromise is effected between the parties and accordingly, a compromise pursis is filed on the record of the court on 21 September 2021, which is signed by the plaintiff and its counsel, on one hand and defendant no.11 and his advocate, on the other hand. As far as defendant nos.1 to 7 are concerned, they have recorded their say on the

said pursis to the following effect “Without prejudice to the rights and contentions of the defendant nos.1 to 7.” In short, no objection is accepted for compromise of the matter between plaintiff and defendant no.1 to 7 under the signature of their counsel. Now the matter has been scheduled for hearing 20 December 2021.

3. I do not find any substance in the submission of learned Counsel for the Petitioner that the matter ought to have been taken with utmost expediency. In the current scenario, in the wake of the pandemic situation, it is for the Presiding Officer of the particular court to determine urgency in the matter and schedule the dates accordingly.

In the light of the aforesaid, the simple relief, which is sought to be canvassed by Counsel for the Petitioner, cannot be accepted and the hearing of the proceedings need not be preponed.

4. In the result, the writ petition is dismissed.

(SMT. BHARATI DANGRE, J.)