

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1006 WRIT PETITION NO.1698 OF 2019

**HOUSING DEVELOPMENT FINANCE CORPORATION LIMITED
THROUGH MANAGER AND POWER OF
ATTORNEY MANDA MADHAVA
VERSUS
KISHNA CONSTRUCTION AND OTHERS**

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Advocate for Petitioner : Mr. S.V. Adwant and Ms. Neha B. Kamble
Advocate for Respondent No.11 : Mr. S.P. Shah

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CORAM : SANDEEP V. MARNE, J.

DATE : 15-12-2022

PER COURT :

. By this petition, petitioner has challenged the order dated 30.11.2018 passed by the Commercial Court, Aurangabad on application at Exh.151 thereby rejecting petitioner's application filed under the provisions of Order-38, Rule-5 of the Code of Civil Procedure (hereinafter referred to as the 'CPC') for attachment before judgment.

2. By now, period of more than 4 years has elapsed. The suit is of the year 2007. Mr. Adwant, the learned counsel for petitioner submits that the evidence of plaintiff is being recorded by the Commercial Court.

3. In the above circumstances, I deem it appropriate to expedite the suit instead of going into the issue of correctness of the

order dated 30.11.2018. The only difficulty that Mr. Adwant expresses is about various findings recorded by the Commercial Court in the order dated 30.11.2018 while rejecting the application. He expresses an apprehension that the said findings might be utilized against petitioner both, at the time of final hearing of the suit as well as outside the proceedings. It is trite that the findings recorded in the interlocutory order cannot have any bearing on the final decision of the suit.

4. In view of the above, the following order is passed.

ORDER

(i) The Commercial Court is requested to expedite the hearing of Commercial Suit No.14 of 2018 (R.C.S. No.14 of 2018) and an endeavour shall be made to decide the same as expeditiously as possible, preferably within a period of one year from today.

(ii) Commercial Court shall not be influenced by any of the observations made in the order dated 30.11.2018 while finally deciding the suit.

. With the above directions, writ petition is disposed of.

(SANDEEP V. MARNE, J.)