

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5103 OF 2022

SHAIKH LAL SHAIKH MISKIN ALIAS BABUBHAI
VERSUS
BABUKHAN YAKUBKHAN AND OTHERS

Mr.A.S.Savale, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : AUGUST 22, 2022

PER COURT :

1. The petitioner has put forth prayer clause 'B' as under :-

“B. By issuing a writ of mandamus, or any other appropriate writ, order of direction in the nature of writ, the Civil Judge Junior Division, Parali, may be directed to expeditiously try and dispose off the Civil Suit No. 87/2015 and the counter claim below Exh.30 pending on his file and preferably with 6 months.”

2. Considering the law laid down by the Hon'ble Supreme Court (3 Judges Bench) in **Radhey Shyam and another Vs. Chhabi Nath and others [(2015) 5 SCC 423]**, we would not be issuing a writ of mandamus in the nature of a direction to a Learned Judge of the Civil

Court to decide RCS 87/2015, out of turn.

3. In view of the above, this petition is disposed off. Needless to state, we trust that the learned Trial Court would take up the suit for final hearing depending upon the date of filing of the suit.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)