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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 1086 OF 2022**

CHINCHWAD DEOSTHAN TRUST

....PETITIONER

V/s.

ALL VILLAGERS OF VILLAGE
BANER (SAMASTA GAVKARI
MOUJE BANER) THROUGH
THEIR REPRESENTATIVES

.....RESPONDENT

Mr. Nachiket Khaladkar for the Petitioner
Mr. C. D. Mali AGP for the State
Mr. V. S. Talkute, for respondent nos. 1 to 8

**CORAM : NITIN W. SAMBRE, J.
DATE: FEBRUARY 17, 2022.**

P.C.:

- 1) Heard respective counsel. Perused the order passed below Exh. 345.
- 2) The reasons furnished by learned Additional Sessions Judge, Small Cause Court, Pune in the order impugned dated 04/01/2022 are in tune with the conduct of the Petitioner reflected in the Rozanama in not cooperating with the Court below in completing recording of evidence. As such, no fault could be noticed with the said order.

- 3) However, having regard to the fact that Petitioner is a Trust and has given an undertaking to this Court that it shall cooperate with the Court below in concluding the trial within period of three months from today, the Petitioner is granted one more opportunity. As such, impugned order stands modified to that extent.
- 4) Petitioner shall complete recording of evidence by keeping all its witnesses present from 24/02/2022 within fortnight or as shall be directed by the said Court.
- 5) A single default on the part of the Petitioner in cooperating with the Court below in expeditious disposal of the Suit shall result into Petitioner ceasing to have an opportunity to defend the Suit.
- 6) The Court below shall be at liberty to pass appropriate orders in regard to apportionment to the cost deposited.
- 7) Petition as such stands disposed of in the above terms.
- 8) Let the Suit be decided expeditiously and in any case within period of four months from today.

[NITIN W. SAMBRE, J.]