

Pallavi

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

WRIT PETITION NO.3159 OF 2021

Mrs. Savita Anilkumar Matthey & Ors.

... Petitioners

Versus

Progressive 039 S Sea Lounge CHS Ltd.
Through Secretary

... Respondent

Mr. Sanjiv Sawant a/w Mr. Abhishek Matkar i/b Mr. Abhishek Deshmukh,
for the Petitioners.

Mr. Chahel P.A. Singh a/w Deshpande Roopshree, for the Respondent.

CORAM : MADHAV J. JAMDAR, J.

DATE : 22nd July 2022

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P.C. :

1. Heard Mr. Sanjiv Sawant, learned counsel appearing for the
Petitioners and Mr. Chahel P.A. Singh, learned counsel for the Respondent.

I have perused the order dated 9th March 2020 passed by this Court.

Paragraph 5 of the said order reads as under :-

5. Today, Mr. Sawant, learned counsel for the petitioners submits that
considering the operative part of the order dated 7.3.2019 passed by
the appellate Court, there is a complete ban insofar as running the
bar and restaurant is concerned and there is no light at the end of the

tunnel as to when the petitioners' grievance shall be redressed by the trial Court. He submits that considering that the original dispute is still pending before the trial Court, the same needs to be redressed at the earliest. Today, on a query being put to the learned counsel for the respondent society as to whether the society was ready and willing to go before the trial Court for resolution of the dispute finally within a time bound programme, Mr. Tayade fairly submits that since he has no specific instructions on behalf of the society, he is not in a position to make any submissions in that regard. Mr. Sawant fairly concedes and agrees to the stand taken by Mr. Tayade.”

2. Mr. Singh, the learned counsel appearing for the Respondent states that pursuant to aforesaid direction he has taken instructions and the Respondent has no objection for expeditious disposal of Dispute No.CCT/119/2018 filed by the Society as well as Dispute No.138/2018 filed by the Petitioners. Both the counsel states that these two disputes are being heard together. As the disputes are pending since 2018 the concerned learned Judge, Co-operative Court, Thane is requested to decide both the disputes bearing Dispute No.CCT/119/2018 and Dispute No.138/2018 together expeditiously and within a period of one year from today. This order is passed on express assurance of both the learned counsel that parties

will co-operate in disposal of the disputes within time bound manner and no unnecessary adjournments will be taken.

3. It is expressly made clear that this Court has not dealt with the merits of the matter and all contentions of both the parties are expressly kept open.

4. Writ Petition is disposed of in aforesaid terms with no order as to costs.

(MADHAV J. JAMDAR, J.)