

H. H. Sawant

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14981 OF 2022

WITH

WRIT PETITION NO.14982 OF 2022

Shrirang Arun Limaye

.. Petitioner

Versus

Navvinayak Co-Op Hou. Soc.

Through Chairman and Anr.

.. Respondents

.....

- Mr. V. S. Kapse for Petitioner
- Mr. Shailendra Kanetkar for Respondent No.1
- Dr. Shrirang Limaye - Petitioner is present in person
- Mr. Sandeep Chandmal Changediya Chairman of Respondent No.1-Society present

.....

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 14, 2022.

P.C.:

1. Heard Mr. Kapse, learned Advocate for the Petitioner and Mr. Kanetkar, learned Advocate for Respondent No.1.
2. Minutes of Order dated 14.12.2022 signed by the respective Advocates are taken on record. Petitioner is present in Court. Chairman of Respondent No.1 is also present in Court. They both have agreed and confirmed to having given instructions to their Advocates as per the Minutes of Order The Minutes of Order dated 14.12.2022 are marked as "X" for identification.
3. The Petitioner has filed Writ Petition No. 14981 of 2022 and Writ Petition No. 14982 of 2022 challenging the order dated

22.06.2022 passed by the District Judge, Pune in Civil Appeal No. 187 of 2022 and Civil Appeal No. 188 of 2022 which arose out of the applications filed for interim relief below Exhibit-5 in Regular Civil Suit No. 2248 of 2019 and Regular Civil Suit No. 2249 of 2019 respectively. Both the parties to the present Writ Petition do not dispute that the Interim Applications below Exhibit-5 in both the suits above referred are pending before the Civil Judge Senior Division, Pune.

4. The Petitioner has made a motion to withdraw both the Writ Petitions if directions be given to the Trial Court to decide the pending applications for interim relief below Exhibit-5 and application filed by the Respondent on Order XXXIX Rule 2A in both the suits, expeditiously. The Respondent has no objection if such directions are given subject to Petitioner withdrawing transfer proceedings initiated by the Petitioner under Section 24 for transfer of the suit from the learned judge before whom the Interim Applications are pending as also review proceedings pending before the learned Judge.

5. The Petitioner agrees and undertakes to unconditionally withdraw the Civil Miscellaneous Application No. 843 of 2022 and Civil Miscellaneous Application No. 842 of 2022 filed by the Petitioner for transfer under Section 24 before the District Court, Pune within a period of two weeks from today and produce on record the order of withdrawal on the next date before the Trial Court. The Petitioner

also undertakes to withdraw the review applications filed by him seeking review of the order dated 07.07.2022 passed below Exhibit-18 and Exhibit-36 in Regular Civil Suit No. 2248 of 2019 as also order dated 07.07.2022 passed below Exhibit-21 and Exhibit-34 in Regular Civil Suit No. 2249 of 2019 unconditionally within two weeks from today and in any case before the next date before the Trial Court.

6. The Writ Petitions are accordingly disposed off as withdrawn with directions to the Trial Court to decide the applications below Exhibit-5 in Regular Civil Suit No. 2248 of 2019 and Regular Civil Suit No. 2249 of 2019 as also the proceedings filed under Order XXXIX Rule 2A being CMA No. 1684 of 2022 and CMA No. 1685 of 2022 as expeditiously as possible and within six weeks from next date of hearings of the suit i.e from 13.01.2023.

7. All the contentions of the parties on merits are expressly kept open.

8. No order as to cost.

9. With the above directions, Writ Petition No. 14981 of 2022 and 14982 of 2022 are disposed.

[MILIND N. JADHAV, J.]

Digitally
signed by
RAVINDRA
MOHAN
AMBERKAR
Date:
2022.12.15
12:55:45
+0530