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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.353 OF 2015

M/s. Munasibhai Bidi Works Petitioner
Versus
Solapur Municipal Corporation & Ors. Respondents

Mr. Prasad B. Kulkarni for the Petitioner.
Mr. Samir Kumbhakoni for Respondent Nos.1 & 2.
Mr. Pravin Sabban i/b. Dr. Ramdas P. Sabban for Respondent Nos.3 to 5.

CORAM : VALMIKI SA MENEZES, J.

DATE : 19th DECEMBER, 2022

PC. :

1. Rule. Rule made returnable forthwith.
2. By consent of the parties, this petition is disposed of finally.
3. The Petitioner challenges an order dated 01.12.2014 passed in Civil Misc.Appeal No.206 of 2014, by Ad-hoc District Judge-II, Solapur, upholding the order dated 25.09.2014 passed by 6th Jt. Civil Judge, Junior Division, Solapur in Regular Civil Suit No.762 of 2014 filed by the Petitioner/original plaintiff. During the pendency of this petition, by an interim order dated 16.01.2015, this Court on the basis of a report of Chirayu Construction Consultant, Structural Engineer, had directed that no steps to be taken by the Respondents pursuant to the impugned notice without leave of this Court. This order has been in operation since 16.01.2015 till date. Consequently, the suit structure has been standing at site through out this period. It is also reported by the learned counsel for

the parties that, in the meantime the Petitioner/original Plaintiff has moved an application seeking repair of the suit structure, which is pending before the Trial Court.

4. Considering the suit structure is still standing at site pursuant to the order dated 16.01.2015 of this Court, by consent of the parties, the petition is disposed of with following order.

(i) Order dated 16.01.2015 passed by this Court shall continue to operate during the pendency of the suit until its disposal.

(ii) The Trial Court is hereby requested to dispose of Regular Civil Suit No.762 of 2014 preferably within a period of one year from the date of this order.

(iii) The parties shall place an authenticated copy of this order before the Trial Court within a period of one week from today.

(iv) The parties undertake to fully cooperate with the Trial Court in leading evidence before it and seeking speedy disposal of the suit within the period as stated above.

(v) Writ Petition stands disposed of.

(vi) Rule is made absolute in the above terms.

(vii) All concerned to act on an authenticated copy of this order.

[VALMIKI SA MENEZES, J.]