

S.S.Kilaje

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

**APPEAL FROM ORDER NO. 990 OF 2019
WITH
INTERIM APPLICATION NO. 961 OF 2019
IN
APPEAL FROM ORDER NO. 990 OF 2019**

Omprakash Sukhdev Gupta and Anr.

.. Appellants

Versus

Deepak Namdev Salunkhe and Anr.

.. Respondents

.....

- Mr. Surel Shah a/w. Vishnu Mishra i/by Ashish Mishra for Appellants
- Mr. Salunkhe i/by R.P.Singh for Respondent No.1
- Mr. Om Suryawanshi i/by Aruna Salva for Respondent No.2

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 22, 2022

P.C.:

1. Mr. Shah, learned counsel for the Appellants in his usual fairness submits that he has instructions to withdraw the Appeal subject to this Court passing direction to expedite the pending suit before the trial court. The suggestion given by Mr. Shah is fair for all practical purposes.

2. Mr. Shah informs that L.C.Suit No. 735 of 2016 is at the stage of recording of evidence of the plaintiff before the City Civil Court at Bombay. He submits that no purpose will be served if the present Appeal from Order is kept on the record of the Court against the impugned order dated 13.03.2019. He submits that the impugned

order dated 13.03.2019 shall not be disturbed until the trial stands concluded. Mr. Salunkhe on behalf of respondent No.1, who is the principle contesting party in the trial court submits that he does not have any instructions and his senior Mr. R.P.Singh though was present in the Court, had to leave as he was unwell.

3. However, in view of the statement made by Mr. Shah for seeking withdrawal of the Appeal from Order, I do not think it is unfair and on the contrary it shall enure to the benefit of both the parties if the *lis* between the parties is determined within a time bound programme.

4. In view of the above, the learned trial court is directed to dispose of L.C.Suit No. 735 of 2016 as expeditiously as possible and preferably within a period of 6 months from today. Mr. Shah assures the Court that his client shall not seek unnecessary adjournment to delay the pending trial before the trial court. So also, Mr. Salunkhe assures the Court that respondent No.1 shall also cooperate and not seek unnecessary adjournment.

5. Appeal from Order No. 990 of 2019 stands dismissed as withdrawn with the above directions to the trial court. Interim Application No. 961 of 2019 stands disposed.

[MILIND N. JADHAV, J.]

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