

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR, NAGPUR.

...

WRIT PETITION NO. 2286/2021

* Ramdas Natthuji Kuralkar **..Petitioner**
versus
 1) Ankush Namdeo Kalhane and others **..Respondents**

 Mr.PN. Shende, Advocate for petitioner

CORAM: ROHIT B.DEO &
 ANIL L.PANSARE, JJ.
DATED : 12th August, 2022.

P.C. :

Heard learned counsel for the petitioner at length.

2. By the present petition, the petitioner who is about 77 years old, is seeking a direction to the District Judge-5, Amravati to decide the appeal bearing R.C.A. No.170/2014 within a period three months.

3. While we were about to consider the request in favour of the petitioner, it was noticed that on 30th June 2021, this court (**Coram:** Sunil B. Shukre & Anik S. Kilor, JJ) has passed the following order:-

“Hearing is conducted through video conferencing and all the learned Advocates agree that the audio and video quality was proper.

2. *The petitioner has not placed before us many relevant facts. Copy of the order-sheet has not been filed. It is not known as to how many appeals filed by other litigants falling in the category of senior citizens are pending for disposal. It is not known as to at which rank the petitioner stands amongst the category of all the senior citizen litigants. Unless and until, it is known that the petitioner stands at the top in the rankings of senior citizen litigants, in terms of age and long pendency of appeal, as compared to other, who have filed appeals before the district court, no appropriate consideration of the grievance raised in this petition can be made. The petitioner to place on record the relevant facts and all the necessary documents. Leave to do the same is granted. If required, the petition may also be amended. Leave to that effect is granted.*

Stand over after four weeks.”

4. We expressed our displeasure, for the aforesaid order dated 30.06.2021 was not brought to our notice by the learned Advocate, to which he replied that he is not feeling well and inadvertently missed to inform the Court of the said order. However, the learned counsel for the petitioner steadfastly continued to press for the order of expeditious hearing of his above-referred appeal, on the ground that the petitioner is 77 years old. It is rather unfortunate that inspite of the order quoted above, the petitioner is pressing for expeditious hearing of the appeal. We made our efforts to indicate the learned Advocate for the petitioner that he is bound to comply the order dated 30th June, 2021 first, but in vain. Hence, for non-compliance of the order 30th June

2021, the Petition stands dismissed.

5. However, we have also noticed that on 28.12.2016 the District Judge-1, Amravati himself has allowed the application filed by the respondent No.16 (present petitioner) for urgent hearing of the appeal. We would request the District Judge to consider his own order and take necessary steps keeping in mind that the petitioner is a senior citizen.

[ANIL L.PANSARE, J.]

[ROHIT B. DEO, J.]

sahare