

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

WRIT PETITION NO.6011/2017

Gopabai Wd/o. Rambhau Wath and Ors. Vs. Dr. Shyamsundar S/o. Ratanlal Sharma
and Anr.

WITH

WRIT PETITION NO.6891/2017

Chudaman S/o. Vishwanath Wath and Ors. Vs. Dr. Shyamsundar S/o. Ratanlal
Sharma and Anr.

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders

Court's or Judge's order

.....
Mr. S. L. Kotwal, Advocate for the Petitioners.
Dr. Anjan De, Advocate for the Respondents.

CORAM : AMIT B. BORKAR, J.

DATED : 29th AUGUST, 2022.

. Heard.

2. Both the Writ Petitions arise out of the grant of the order of injunction restraining defendants from carrying construction over the suit property.

3. The suits are for the specific performance of an agreement executed in 1989. The suits were filed in the year 2005. This Court, by order dated 11.02.2009 in Appeal Against Order No.114/2006 with Appeal Against Order No.86/2006, had directed the Trial Court to decide the suit within one year from the date of communication of the order. However, despite the said order, the suits are not yet decided till 2022.

4. The learned Advocate for the petitioners fairly agreed to the continuation of the impugned order for one

year with the condition that the Trial Court be directed to decide the suits within one year.

5. Dr. Anjan De, learned Advocate for the respondents, states that the respondents agree to cooperate with the Trial Court to decide the suit within one year.

6. Both the Advocates state that none of the parties in the suit shall seek an unnecessary adjournment and undertake that they would not take a step which would unnecessarily prolong the hearing of the suit.

7. By consent of the parties, Writ Petitions are disposed of by directing the Trial Court to decide both the suits bearing Special Civil Suit No.721/2005 and Special Civil Suit No.720/2005 within one year from today.

8. The Trial Court shall decide the Special Civil Suit No.721/2005 and Special Civil Suit No.720/2005 within one year from today.

9. It is made clear that the order of injunction granted by the impugned order shall remain in force for one year.

10. Both the Writ Petitions are disposed of in the above terms.

JUDGE