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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5653 OF 2023

Asaram Deorao Talekar

PETITIONER

VERSUS

M/s Tulsi Buildcon RMC, Through its Partner

RESPONDENT

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Mr. A. G. Godhamgaonkar, Advocate for the petitioner

Mr. P. P. Patni h/f Mr. P. F. Patni, Advocate for respondent

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 27th SEPTEMBER, 2023

ORDER :

1. Respondent – plaintiff filed Special Civil Suit No. 48 of 2018 for specific performance of agreement to sale dated 6th February, 2017 against petitioner – defendant. By filing written statement, petitioner – defendant opposed the suit on the ground that time was essence of contract and plaintiff has failed to perform his part of contract, within the time, stipulated in the agreement.

2. Along with the suit, application Exhibit-5 was filed by respondent – plaintiff for temporary injunction. After hearing the parties, the said application was allowed by the Trial Court. Petitioner – defendant unsuccessfully challenged the said order

by filing Miscellaneous Civil Appeal No. 154 of 2019. Orders passed below Exhibit-5 and in Miscellaneous Civil Appeal No. 154 of 2019, are impugned in present petition.

3. Having heard learned advocates for the parties, this court is not inclined to interfere in the concurrent findings of fact recorded by Trial Court as well as by first Appellate Court. Since the suit is at the stage of recording of evidence, it is desirable to direct the Trial Court to expedite hearing of the suit and to conclude it within one year from the date of receipt of writ of this order.

4. Parties undertake to co-operate in expeditious disposal of the suit.

5. With aforesaid directions, writ petition is disposed of.

[NITIN B. SURYAWANSHI]
JUDGE