

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 724 OF 2021
WITH
WRIT PETITION NO. 9080 OF 2022
WITH
CONTEMPT PETITION NO. 463 OF 2022

Popat Uttam Suryawanshi and Ors.

.. Petitioners

Versus

Hemkant Popat Tate

.. Respondent

-
- Mr. Maroof Ahmed a/w. Mr. Aman Mirza, Advocate for Petitioners.
 - Mr. V.S. Talkute a/w. Ms. Manisha Devkar, Advocate for Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 30, 2023.

P.C.:

1. Heard Mr. Ahmed, learned Advocate appearing for Petitioners and Mr. Talkute, learned Advocate appearing for Respondent for at length.

2. The Writ Petition (st) No.724 of 2021 takes exception to the order dated 09.12.2020 passed by the learned Trial Court wherein Application under below Exhibit-5 in Regular Civil Suit No.701 of 2019 has been allowed and the order dated 05.01.2021 passed by the learned District Court in Misc. Civil Appeal No.31 of 2020 is upheld. Both the impugned orders are reasoned orders passed by the learned Trial Court and the learned District Court and I do not wish to interfere with the reasons given therein. Both orders are sustained.

3. After deliberating the issue for some time with the learned Advocates appearing for the parties, it would be in the interest of justice, if the learned Trial Court is directed to dispose of the pending Suit which is for injunction within a time bound programme.

4. Hence, the following order:-

- (i) The learned Trial Court shall dispose of Regular Civil Suit No.709 of 2019 within a period of six months from today;
- (ii) Both the parties are directed to appear on 01st February, 2023 at 12:00 noon with a copy of this order before the learned Trial Court for fixing the schedule for hearing of the Suit by the learned Trial Court as per the Court's convenience;
- (iii) The learned Trial Court shall not be influenced by any observations made in the order dated 09.12.2020 as also the Appellate Court's order dated 05.01.2021 for deciding the Suit between the parties;
- (iv) The learned Trial Court is directed not to grant adjournment at the request of the parties unless absolutely necessary;
- (v) All contentions of the parties are expressly kept open.

5. With the above directions, Writ Petition (St.) No.724 of 2021 is disposed.

6. In view of the above order passed in Writ Petition (st.) No.724 of 2021, Writ Petition No.9080 of 2022 does not survive and the same is also disposed of.

7. In view of disposal of both the Writ Petitions, Contempt Petition No.463 of 2022 does not survive and is accordingly disposed.

[MILIND N. JADHAV, J.]