

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15736 OF 2023

B. Kumaraswamy Reddy,	]	
Age : 75 years, Occ.: Civil Contractor,	]	
R/at H.No.24/161, Shantinagar,	]	
Dargmaitta, Nellore, Andhra Pradesh-524003	]	
Through Power of Attorney Holder :	]	
Mr. Gopal Reddy Leburu, Age : 73 years,	]	
R/at H.No.24/161, Shantinagar,	]	.. Petitioner /
Dargmaitta, Nellore, Andhra Pradesh-524003	]	Org. Plaintiff

Versus

1. Maharashtra Krishna Valley Development	]	
Corporation,	]	
A Body Corporate, constituted under the	]	
Maharashtra Act No.XV of 1996	]	
Through its Executive Director,	]	
Sinchan Bhavan, Barne Road,	]	
Mangalwar Peth, Pune – 411 011.	]	
2. The Executive Engineer,	]	
Warna Canal Division No.1,	]	
Islampur, Dist. Sangli.	]	
3. The Superintending Engineer,	]	
Kolhapur Irrigation Circle,	]	
Sinchan Bhavan, Tarabai Park,	]	
Kolhapur – 416 003.	]	
4. The Chief Engineer,	]	
Water Resource Department,	]	.. Respondents /
Sinchan Bhavan, Pune	]	Org. Defendants

Mr. Vikram N. Walawalkar, with Mr. Pratik Sabrad and Ms. Sayali Gangal, for the Petitioner.

Mr. Sachin Gite for Respondent Nos.1 to 4.

Mr. D.D. Shinde, Executive Engineer, MKVDC, is present.

CORAM : A.S. CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ

DATE : 21ST DECEMBER, 2023.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. RULE. Rule made returnable forthwith and heard the learned counsel for the parties.
2. Prayer made in the present Writ Petition is for a direction for expeditious consideration of applications below Exhibits 98 and 99 that have been preferred respectively by the plaintiff and the defendants. Our attention is invited to the roznama of the present proceedings to contend that both the parties have filed their written notes of arguments and the matter is pending at that stage. On instructions, it is submitted by the learned counsel for the parties that besides the written notes of arguments, they do not desire to advance any oral arguments. They submit that on the basis of the written notes of arguments, both the applications can be decided.
3. In view of the aforesaid, the parties are given liberty to bring this fact to the notice of the learned Judge in Commercial Suit No.3 of 2019 on the next date of the proceedings. If this fact is brought on record, the learned Judge shall endeavour to decide both the applications on their own merits and in accordance with law, after considering the written notes of arguments, expeditiously and preferably by the end of February 2024. All points on merits are kept open.
4. Writ Petition is disposed of in aforesaid terms.

[FIRDOSH P. POONIWALLA, J.]

[A.S. CHANDURKAR, J.]