

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2469 OF 2023

~~Harishchandra Gangaram Pedamkar~~

(Since deceased deleted)

Asmita Anil Dalvi Nee

Asmita Harischandra Pedamkar and Ors.

.. Petitioners

Versus

State of Maharashtra and Ors

.. Respondents

-
- Mr. Rajesh Jain a/w. Mr. Rohit Jain and Neha Doshi i/by Legal Juris for Petitioners.
 - Mr. C.D. Mali, AGP for Respondent Nos.1 and 2 – State.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 03, 2023.

P.C.:

1. Heard Mr. Jain, learned Advocate for the Petitioners and Mr. Mali, learned AGP for Respondent Nos.1 and 2 – State.

2. The limited prayer prayed for by the Petitioners in the present Writ Petition is for seeking expeditious hearing of the S.C. Suit No.2872 of 2006 pending on the record and file of the learned City Civil Court at Bombay, Dindoshi Branch, Mumbai.

3. Mr. Jain has referred to and relied upon the order dated 13.02.2023 passed in Interim Application No.3240 of 2022 in First Appeal No.1085 of 2010 whereby this Court has clearly opined that the pendency of the First Appeal in another parallel proceeding shall

not preclude the Trial Court from proceeding on merits in Suit No.2872 of 2006.

4. Mr. Jain would submit that before the learned Trial Court the private Respondents have protracted the hearing of the proceedings on the aforementioned ground. Hence, Petitioners were constrained to file the present Writ Petition on 28.12.2022 i.e. before the passing of the order dated 13.02.2023.

5. In view of the above, the learned Trial Judge, City Civil Court at Bombay, Dindoshi Branch is directed to hear and decide the S.C. Suit No.2872 of 2006 within a period of 6 months from today.

6. It is clarified that the learned Judge shall not grant unnecessary adjournment to the parties and more specifically to the private Respondents in the present Writ Petition and the Suit shall be disposed of on its own merits strictly in accordance with law.

7. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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