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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.1144 OF 2023
WITH
WRIT PETITION NO.1301 OF 2023**

Chetan Jamnadas Rasania LHR of
deceased Tenant Jamnadas M. Rasania and Anr. ...Petitioners
Versus
Mahendra Balbhadra Thakkar ...Respondent

Mr. Vishwajeet Sawant, Senior Advocate i/b. Sonam Bharat More, for the
Petitioners in both Petitions.

Mr. Nagendra Dubey i/b. Lex Conveniens for the Respondent in both
Petitions.

CORAM : MADHAV J. JAMDAR, J.

DATE : 7th FEBRUARY 2023

P.C. :

1. Heard Mr. Vishwajeet Sawant, learned Senior Counsel
appearing for the Petitioners and Mr. Nagendra Dubey, learned
counsel appearing for the Respondent.

2. Both the learned counsel tendered “Minutes of Order” signed
by both the parties and their respective Advocates. The said “Minutes
of Order” are taken on record and marked ‘X’ for identification. The
said “Minutes of Order” read as under :

“Minutes of the Order

- (1) By these two writ petitions, the Petitioners are challenging orders dated 14.09.2022 passed by the Appellate Bench of the Small Causes Court, at Bombay in Revision Application No. 165 of 2022 and Revision Application No. 166 of 2022 respectively.
- (2) The said Revision Applications were filed challenging the orders as passed by the Trial Court in Suit No. R.A.E & R. Suit No. 1463/2275 of 2010 at Exh. 66 and Exh. 73 dated 14.03.2020 and 20.12.2021 respectively permitting the Petitioners herein (Org. Defendants) to file their Affidavit of Evidence and condoning the delay in filing the same.
- (3) Since the suit in the trial court is pending since 2010 and the Defendant's Affidavit of Evidence is already taken on record, it is in the interest of justice and both the parties that the suit be expedited so that the suit can be decided on merits.
- (4) By consent of the parties and their advocates, the following order is passed:
 - (I) The impugned orders dated 14.09.2022 passed by the Appellate Bench of the Small Causes Court, at Bombay in Revision Application No. 165 of 2022 and Revision Application No. 166 of 2022 are quashed and set aside.
 - (II) The trial of the suit is expedited and the trial court shall complete the trial within 6 (six) months from the date of this

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order and both parties shall not take unnecessary adjournment without just and reasonable cause.

(III) The Petitioners shall pay the additional costs of Rs.----- to the Respondent within a period of 2 weeks from the date of this order.

(IV) The writ petitions are disposed off on the aforesaid terms.”

3. In view of the above minutes of order and by consent of the parties, the following order is passed :-

ORDER

- (i) The impugned orders dated 14th September 2022 passed by the Appellate Bench of the Small Causes Court, Bombay in Revision Application No.165 of 2022 and Revision Application No.166 of 2022 are quashed and set aside;
- (ii) Both the parties agree to produce copy of this order before the learned Trial Court on the next date i.e. 17th February 2023;
- (iii) The learned Trial Court is requested to complete the trial of R.A.E. and R. Suit No.1463/2275 of 2010 within a period of six months from the date of production of copy of this order before the learned

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Trial Court;

- (iv) The Petitioners and the Respondent shall not take any unnecessary adjournment without just and reasonable cause;
- (iv) The Petitioners shall pay cost of Rs.25,000/- to the Kirtikar Law Library within a period of two weeks from today;
- (v) Writ Petitions are disposed of in above terms.

[MADHAV J. JAMDAR, J.]