

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

CIVIL WRIT PETITION NO. 4317 OF 2022

Utkarsha Shikshan Kala and Krida Mandal ..Petitioner.
Versus
Utkarsha Co-Op. Housing Society & Ors. ..Respondents

Mr. S. M. Gorwadkar, Sr. Adv. i/b. Hemant Ghadigaonkar a/w.
Ritvik Joshi for Petitioner.
Mr. A. P. Vanarse for Respondent No.1.

CORAM : SARANG V. KOTWAL, J.
DATE : 2 MAY 2023

PC :

1. The order dated 17/02/2023 records that, it was impressed upon Mr. Vanarase to convince the Respondent No.1 Society for carrying out the measurement by TILR/SILR. Shri. Vanarase informed the Court with some regret that he was unable to convince the Respondent No.1 Society for carrying out the measurement.

2. In this view of the matter, learned Senior counsel appearing for the Petitioner submits that, if the directions are issued to the Trial Court to complete the trial within a time bound

manner, then he will not press this petition. His request is that, all the questions be left open including appointment of the Commissioner for measurement, if it feels necessary by the Trial Court.

3. Considering these submissions and also considering the fact that the suit is pending since 2018 and also taking into account the fact that the school children are being affected because of the dispute, the Trial Court is requested to complete the trial within a period of nine months from today. All the questions raised by both the sides are specifically left open including the possibility of appointment of the Commissioner for measurement if the Trial Court deems it fit.

4. With these observations, the petition is disposed of as not pressed.

(SARANG V. KOTWAL, J.)