

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 1992 OF 2018**

Sachin Ananda Gole and Ors.

.. Petitioners

Versus

State of Maharashtra and Ors.

.. Respondents

.....

- Mr. Rahul S. Kate, Advocate for Petitioners
- Mr. S. D. Rayrikar, AGP for Respondent Nos. 1 to 3
- Mr. Avinash B. Avhad, Advocate for Respondent No.4

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CORAM : MILIND N. JADHAV, J.**DATE : FEBRUARY 17, 2023.****P.C.:**

1. Heard Mr. Kate, learned Advocate for Petitioners; Mr. Rayrikar, learned AGP for Respondent Nos. 1 to 3 and Mr. Avhad, learned Advocate for Respondent No.4.
2. The present Writ Petition takes exception to the twin orders dated 25.08.2016 and 17.08.2017 passed by the learned Trial Court rejecting the Exh.5 Application and the same being upheld by the learned Appellate Court, which are concurrent orders.
3. Record indicates that suit has been filed in the year 2011. Mr. Avhad, learned Advocate for Respondent No.4 would submit that the *lis* between the parties is with respect to the public road.
4. Be that as it may, considering the aforesaid timeline, suit being

filed in the year 2011, Exh.5 having being decided in the year 2016 and the Appellate Court having passed the impugned order in the year 2017 and almost 12 years having been passed, it would be in the interest of justice if the learned Trial Court is directed to dispose of the pending suit within a time bound programme.

5. Hence the following order:-

- (i) The learned Trial Court is requested to dispose of R.C.S. 840 of 2011 preferably within a period of six months from today;
- ii) Parties shall not be granted unnecessary adjournment unless it is necessary;
- (iii) The learned Trial Court shall not be influenced by any of the observations made in the order dated 25.08.2016 as also the order dated 17.08.2017 while deciding the suit proceedings;
- (iv) All contentions of the parties are expressly kept open;
- (iv) It is clarified that this Court has not opined anything on the twin orders under challenge.

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

[MILIND N. JADHAV, J.]

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