

SA Pathan

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

WRIT PETITION NO.6309 OF 2023

Nayan Arvind Shah

... Petitioner

V/s.

Concy D'souza (Since Deceased)

Through Legal Representatives & Ors.

... Respondents

SHABNOOR
AYUB
PATHAN
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SHABNOOR AYUB
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Mr. Tejas Deshmukh, for petitioner.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 27, 2023

P.C.:

1. Serious grievance is raised on behalf of the petitioner is that in spite of specific directions issued by this Court on eight occasions, the suit is not disposed of by the Trial Court.
2. It appears that on 9 December 2014, the Trial Court was directed to decide the suit before 31 December 2015. Thereafter, extension as sought by the Trial Court was granted by this Court from time to time. Ultimately, on 7 December 2020, the Division Bench of this Court called report from the Trial Judge. A report was submitted indicating that certain applications were pending causing delay in the suit.
3. This Court after considering the report directed Trial Court to decide all pending applications within six months and the suit,

as per time extended by this Court from 7 December 2020. It appears that even thereafter, the suit is not being decided by the Trial Court.

4. According to the petitioner, petitioner No.2 is 83 years old and is suffering from health elements. It is, therefore, necessary to direct the Trial Court to decide Regular Civil Suit No.203 of 2007 within 3 months from today.

5. It is made clear that, no request for extension of time shall be made nor such request will be entertained. It is also made clear that no adjournment shall be granted to any party on any ground.

6. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)