

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

CIVIL WRIT PETITION NO. 9413 OF 2022

Boramani Gram Panchayat & Ors.

..Petitioners

Versus

Kirti Gold Agro Tech. Ltd.

..Respondent

Mr. Vijay Killedar for Petitioners.

Mr. Prasad P. Kulkarni for Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 19 APRIL 2023

PC :

1. The Respondent has preferred Regular Civil Suit No.596 of 2021 in the court of Civil Judge, S.D., Solapur with a prayer for declaration that the Respondent has paid the taxes to the Gram Panchayat in respect of its properties up to the year 2026. The second prayer was for perpetual injunction against the Gram Panchayat who are the Petitioners herein.

2. The Respondent-original Plaintiff had preferred an application for temporary injunction; which was partly allowed by the Trial Judge vide his order dated 22.09.2021 passed below Exhibit-5 in R.C.S.No.596 of 2021. The said order was challenged

by the Petitioners before learned Principal District Judge, Solapur; who vide order dated 20/04/2022 dismissed the Miscellaneous Civil Appeal preferred by the Petitioners, but at the same time had directed the Trial Court to decide the suit within a period of nine months from the date of receipt of that order.

3. The Petitioners have challenged the order dismissing their Appeal thereby confirming the order passed by the Trial Court.

4. Considering the history of the matter, the relief sought for by the Petitioners herein would directly affect the final outcome of the suit. Instead of that, since the first Appellate Court had already issued a direction to conclude the trial within time bound manner; similar order can be passed in this petition, so that, the said suit can be decided.

5. The main contention of learned counsel for the Petitioners herein is in respect of the legal provisions. Therefore, the suit should not take too long for its conclusion. In my opinion, it would be just and proper to direct the Trial Court to decide the

suit within a time bound manner. Learned counsel for the Petitioners submitted that the directions be issued to the Trial Court to decide the suit without being influenced by the order passed below Exhibit-5; which was confirmed by learned Principal District Judge. The request is reasonable.

6. Hence, the following order:

O R D E R

- i) The Trial Court is directed to decide the suit within six months from today without being influenced by the order passed below Exhibit-5 which was confirmed by the Appellate Court.
- ii) With this direction, the petition is disposed of.

(SARANG V. KOTWAL, J.)