

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

WRIT PETITION NO.8982 OF 2021

M/s. Johnson Dye Works Pvt.

...Petitioner

V/s.

Ratanchand Navlachand Jhaveri (Decd)

thr. Legal Heirs Daksha Keshrichand Jhaveri
and Ors.

...Respondents.

Mr. M. M. Vashi, Senior Advocate i/by M/s. M. P. Vashi, for the
Petitioner.

Mr. Tarang Jagtiani i/by Jhangiani Narula & Associates, for
Respondent Nos.2, 4, 5, 6 & 7.

Mr. Vishal Narichania a/w Ms. Sushma Singh & Sayali Sawant for
Respondent Nos.8 to 10.

Ms. Namita Shirke i/by Jaydeep Thakkar for Respondent No.11.

CORAM : SHARMILA U. DESHMUKH, J.

RESERVED ON: 13th DECEMBER 2023.

PRONOUNCED ON: 21st DECEMBER 2023.

P. C.:

1. By this petition the challenge is to the order dated 4/12/2021
passed by the trial Court adjourning the matter for passing of orders on
Exhibit 58 and for hearing of Exhibit 48 to 9/12/2021.

2. Heard Mr. M. M. Vashi, learned Senior Advocate for the
Petitioner, Mr. Tarang Jagtiani, learned counsel for Respondent Nos.2, 4, 5,

6 & 7, Mr. Vishal Narichania, learned counsel for Respondent Nos.8 to 10 and Ms. Namita Shirke, learned counsel for Respondent No.11.

3. Mr. Vashi, learned Senior Advocate for the petitioner submits that as the impugned order was an order of adjournment, he is not pressing prayer clause (a) and seeks prayer clause (b) and (c) viz., direction to the trial Court to decide T. E. Suit No.185/2018 within a time bound period. Pointing out to the order of this Court dated 6/3/2020, he submits that this Court *vide* order of 6/3/2020 passed in Writ Petition No.12264/2019 had directed the trial Court to expedite the Suit and to list the Suit under the caption of “Senior citizens” and give priority to it as per roster. He submits that thereafter the petitioners have filed affidavit of evidence and in order to delay the matter defendant Nos.8 to 10 have filed Application for stay of Suit below Exhibit 58 and that the petitioners have filed an Application for return of original documents below Exhibit 48 which Applications are not being heard and trial Court is adjourning the matter from time to time.

4. The present petition has been filed in the year 2021 and the position at the time of filing of petition was that petitioners have filed affidavit of evidence and the trial of the Suit has reached the stage of

marking of documents of exhibits. The current stage of trial is not informed to this Court. Be that as it may. This Court has already *vide* Order dated 6/3/2020 expedited the Suit and has directed to list the Suit under the caption of “Senior Citizens” and give priority to it as per roster. Perusal of the impugned order would indicate that the adjournment was granted on 4/12/2021 and the next date of hearing was 9/12/2021. As such it is not as if long adjournments are granted in the matter and it appears that trial Court as per its own roster is listing the suit for hearing under the caption of “Expedited Senior Citizens Matter”.

5. It appears from the record that the trial Court is not granting long adjournments and due to Interim Applications filed by the parties, the trial appears to have been delayed.

6. In light of above, I am not inclined to direct the trial Court to decide the Suit within a fixed time period. The trial Court is requested to take note of the order of this Court dated 6/3/2020 which although did not fix a time frame clearly indicated that the Suit is required to be expeditiously decided and priority is required to be given to it as some of the parties are senior citizens.

7. Petition is dismissed.

(SHARMILA U. DESHMUKH, J.)