

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.6851 OF 2022

(Nitika Pharmaceuticals Specialties Pvt. Ltd. .Vs. Biochem Zusatzstoffe)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Anand Jaiswal, Senior Adv. a/b Shri G.B. Sawal, Adv. for Petitioner.
Ms Gouri Venkatraman, Advocate for Respondent.

CORAM : ANIL S. KILOR, J.

DATED : 03/08/2023

1. Heard.
2. The order below Exh.5 dated 22.09.2021 and order below Exh.12 dated 04.04.2022 passed in R.C.A. No.419 of 2019, are under challenge in this writ petition.
3. After hearing both the parties for some time, it appears that the appeal is fixed for 7th August, 2023 for final hearing and there is a possibility that a final judgment would be passed within four weeks.
4. Furthermore, the learned counsel for the respondent submits that if the petitioner argues the matter on 07.08.2023, the respondent will not press for execution of decree till final decision.

5. Shri Jaiswal, learned Senior Advocate, on instructions, makes a statement that the petitioner is ready to argue the matter on 07.08.2023 or even if for any reason some short accommodation would require, the arguments would be concluded on or before 21.08.2023.

6. In that view of the matter, I do not find any reason to go into the merits of the present writ petition. Accordingly, in view of the above referred undertaking given by both the parties the petition needs to be disposed of in following terms:

- i) The writ petition is **disposed of**.
- ii) The learned lower appellate Court is directed to expedite the appeal and decide the same as early as possible and in any case within one month from today.
- iii) The above referred undertakings given by both the parties are accepted.
- iv) Both the parties have further undertaken to cooperate the learned lower appellate Court in all respect to dispose of the matter within one month.

JUDGE