

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

WRIT PETITION NO.8611 OF 2022

Shri Fakirchand S/o Kawduji Kamatkar through LRs .Vs. Smt. Punibai W/o Zingruji
Sayre through LRs

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

Court's or Judge's Order

Shri A.S. Sirsikar, Advocate for the petitioners.

CORAM : ANIL S. KILOR, J.

DATED : 18/01/2023

1. Heard.
2. In this writ petition, the order below Exh.55 and 60 dated 11.04.2022 passed by the learned Extra Jt. Civil Judge Senior Division and Additional C.J.M., Nagpur in R.C.S. No.851 of 2015 is under challenge. The application Exh.55 was filed by the defendants, praying for dismissal of the suit as plaintiffs failed to adduce evidence inspite of sufficient opportunity and the application Exh.60 was filed by the plaintiffs for grant of adjournment which was allowed and Exh.55 was rejected.
3. The petitioners are defendants and the suit was filed by the plaintiffs for permanent injunction. There was pandemic for two years and considering the reasons recorded by the learned trial Court while rejecting the

application Exh.55 and granting adjournment to the plaintiffs subject to payment of costs, I do not find any perversity or error committed by the learned trial Court.

Hence, the writ petition is **dismissed**.

4. Further, the learned trial Court is directed to expedite the trial and decide it at the earliest.

JUDGE