

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

WRIT PETITION NO.8039 OF 2018

Uddhavrao S/o Marotrao Sapkal .Vs. Govind S/o Madanlal Joshi and others

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

Court's or Judge's Order

Shri D.R. Bhoyar, Advocate for the petitioner.

Shri S.K. Bhoyar, Advocate for the respondent Nos.1 and 2.

CORAM : ANIL S. KILOR, J.

DATED : 18/01/2023

1. Heard.
2. In this writ petition, the order rejecting application Exh.5 for interim relief under Section 29(3) of the Maharashtra Rent Control Act, 1999, is under challenge.
3. Both the learned counsel have made a joint statement that the proceedings of M.J.C. No.51 of 2018 is fixed for recording of evidence, accordingly, it can be expedited.
4. This petition was filed on 21.11.2018. While issuing notices on 21.11.2018, the interim order was passed and thereby the respondent No.3 was directed to supply electricity to the suit premises without insisting for No Objection Certificate of the landlord and further a condition

was imposed that the petitioner shall deposit the required amount, if any. Thus, interim order is continued from 21.11.2018 till today, and there is no complaint by the respondent that the petitioner has not paid the amount.

5. In the circumstances, as both the parties are agreeable that the instead of going into the merits of the matter, the purpose would be served if the directions are issued to the learned trial Court to expedite the suit and decide it at the earliest, I am of the opinion that the writ petition can be disposed of by directing the learned trial Court to expedite the M.J.C. proceeding and decided the same at the earliest.

6. Both the parties have undertaken to co-operate the learned trial Court to decide the matter expeditiously.

ORDER

- a) The Writ Petition is **allowed**.
- b) The impugned order dated 03.11.2018 passed by the learned 6th Jt. Civil Judge, Jr. Division, Wardha, is hereby set aside.
- c) The trial Court is directed to expedite the trial and decide it at the earliest and not beyond five months from the date of filing of certified copy of this order.

d) The learned trial Court shall not get influenced by the observations made in the impugned order. All the grounds raised in the present petition are left open.

JUDGE