



IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.379/2024

SUMIT SINGLA

... PETITIONER

Versus

SATBIR SINGH AND 5 ORS.

... RESPONDENTS

Mr Y. Nadkarni with Mr N. Naik, Advocates for the Petitioner.

Mr G. Nadkarni, Advocate for Respondent No.1.

Ms Nikita Nadkarni, Advocate for Respondents No.2 to 5.

**CORAM: M. S. KARNIK &
VALMIKI MENEZES, JJ.**

DATE: 13th JUNE 2024

P.C.:

1. Heard Mr Y. Nadkarni for the petitioner, Mr G. Nadkarni for respondent no.1 and Ms N. Nadkarni for respondents no.2 to 5.
2. The petitioner has filed suit for cancellation of gift deeds dated 21.06.2023. It is submitted by the learned counsel for the petitioner/plaintiff that during the pendency of the suit consent terms came to be filed between the petitioner and respondents no.1 to 5 on 12.01.2024. Before any orders could be passed on the consent terms, an application dated 17.01.2024 came to be made by respondent no.6 for impleadment as a party defendant which is at Exh.27.
3. Thereafter, on 08.04.2024 an application was made by respondent no.6 for production of additional documents which is at Exh.34. It is the

grievance of the learned counsel for the petitioner that though the consent terms came to be filed and when the suit was about to be disposed of on basis of such consent terms, now by virtue of the impleadment application filed and the subsequent application for production of additional documents filed by respondent no.6, the consent terms are not taken being to the logical end. Furthermore, an apprehension is expressed that any delay in deciding the applications at Exh.27 and Exh.34 may derail the compromise which will cause serious prejudice to the petitioner.

4. The petition is therefore filed for expediting the hearing of the said applications at Exh.27 and Exh.34 and deciding the same in a time bound manner. Learned counsel for the respondent no.1 and the learned counsel for respondents no.2 to 5 oppose the petition on the ground that the respondent no.6 to the petition who has filed the application for impleadment will have to be served. Furthermore, it is submitted that such a petition for expediting the applications should not be entertained in the light of what has been observed by the High Court of Allahabad in *Ali Shad Usmani and Ors. v/s. Ali Isteba and Ors. -- 2014 SCC Online All 158* and the High Court of Delhi in the case of *Rajender Kumar Sethi & Anr. v/s. M/s. V.G. Marketing Pvt. Ltd. & Ors. - CM (M) 321/2022 & CM Appl. 17160/2022*. Learned counsel also placed the decision in *Prema Joy & Anr. v/s. John Britto – 2023 SCC Online Ker 3356* of the Kerala High Court in support of their contentions. Relying on the observations in para 3 of the decision in *Ali Shad Usmani and Ors. (supra)*, it is submitted that the present petition be dismissed. Paragraphs 3 and 4 in *li Shad Usmani and Ors. (supra)* read as follows:-

“3. Such orders, if granted, place a class of litigants, who move the Court in a separate and preferential category whereas other cases which may be of similar or greater antiquity and urgency are left to be decided in the normal channel.’ Hence, any such direction may be

issued with the greatest care and circumspection by the High Court otherwise the Civil Courts will be overburdened only with requests for expeditious disposal of suits, which have been expedited by the High Court., Most of the litigants cannot afford the expense of moving the High Court and would not, therefore, be in a position to have the benefit of such an order.

4. Ultimately, it must be left to the judicious exercise of discretion of the concerned Court to determine whether a ground for urgency has been made out. We emphasize that there may be other cases such as involving senior citizens, those who are differently abled or people suffering from a particular disability socio-economic or otherwise which may prime cause of urgent disposal. It is for the learned Trial Judge in each case to apply his or her mind and decide whether the hearing of the suit to be expedited.”

5. No doubt the trial courts are overburdened. Further, we are conscious that the orders regarding expediting trials and for the decision thereon in a time-bound manner can be made in exceptional circumstances and ordinarily it should be best left to the trial Court to decide whether the suit be expedited.

6. However, in the facts of the present case, we find that already the parties have filed consent terms and at the stage when the orders were to be passed on the consent terms, the applications were filed for impleading respondent no.6 as a party respondent and for production of additional documents, respectively. As these applications are filed by respondent no.6, obviously the same have to be taken to their logical conclusion, which the trial court will in any case do. In such a case, no prejudice will be caused to respondent no.6 if notice is not issued. The only order that we propose to pass is to request the trial court to consider expediting the applications at Exh.27 and Exh.34 in the peculiar facts of the present case. The petition is disposed of. No costs.

7. Learned counsel for respondent no.1 and respondents no.2 to 5 submit that they wish to withdraw the consent terms. These are matters which the respondents no.1 to 5 will have to place before the trial court for its consideration and it is for the trial court to pass appropriate orders based on any such application made. We may not be understood to have expressed any opinion on merits or otherwise.

VALMIKI MENEZES, J.

M. S. KARNIK, J.