

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (ST) NO. 6352 OF 2024
WITH
WRIT PETITION NO. 913 OF 2022

Kiran Narayan Pawar

Applicant /
.. Petitioner

Versus

Mohan Annaji Deshmukh

.. Respondent

-
- Mr. Machhindra A. Patil i/by Mr. Vijay Garad for Applicant /
Petitioner

.....
CORAM : MILIND N. JADHAV, J.

DATE : MARCH 12, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 08.03.2024. Heard Mr. Patil, learned Advocate for Applicant / Petitioner.
3. Perused the Interim Application. For the reasons stated therein, Interim Application is allowed in terms of prayer clause (a). Order dated 29.01.2024 dismissing Writ Petition No. 913 of 2022 is quashed and set aside. Writ Petition is restored to file.
4. Interim Application is disposed.
5. Present Writ Petition is taken up for hearing forthwith. As delineated in the previous order dated 29.01.2024, I expressed my mind to Mr. Patil after perusing the impugned order dated 18.07.2020.

Without delineating on merits as to whether the appointment of the Court Commissioner sought for by Petitioner (Org. Plaintiff) ought to be allowed or otherwise, it is directed that RCS No. 233/2014 shall be adjudicated and decided by the learned Trial Court as expeditiously as possible and in any event within a period of six months from today. The impugned order is sustained. Parties shall co-operate with the learned Trial Court and not seek any unnecessary adjournments unless absolutely necessary. Needless to state that all contentions of the parties are expressly kept open.

6. Petitioner shall immediately serve a copy of this order on the Respondents. Parties shall appear before the learned Trial Court on 18.03.2024 at 10:30 a.m. for fixing schedule for hearing of the suit proceedings i.e. RCS No. 233/2014 alongwith an authenticated copy of this order and learned Trial Court shall fix the further schedule at its discretion.

7. It is clarified that this Court has not opined on any of the merits of the matter. Learned Trial Court is directed not to be influence by any of the observations and findings in the impugned order dated 18.07.2020 passed by the learned Trial Court and decide the Suit on its own merits and strictly in accordance with law. All contentions of the parties are expressly kept open.

8. With the above directions, Writ Petition is disposed.
Interim Application also stands disposed.

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[MILIND N. JADHAV, J.]

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