

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 445 OF 2022

M/s. Nishant Agencies LLP Formerly M/s. ...Petitioner
Nishant Agencies Pvt. Ltd.

Versus

Kalu Bapu Bhillare Thou Special Attorney ...Respondents
Prashant Daga

Mr. Pradeep Havnur for the Petitioner.
Mr. Rohan Bhagal i/b Vishwanth Talkute for Respondent.

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CORAM : M.M. SATHAYE, J.
DATE : 18 SEPTEMBER 2024

P.C. :

1. Heard learned counsel for the parties.
2. The Petitioner/original Defendant has filed this petition with prayers which read as below:

“a) that this Hon’ble Court may kindly be issue Rule, the records and proceedings of the trial court in R.C.S. No. 29 of 2017 pending before Ld. CJJD, Mahabaleshwar be called for and after perusal of the same, be pleased to order and direct the Ld. CJJD, Mahabaleshwar to dismiss &/or hear and dispose of the said suit within 3 months or within such a period as this Hon’ble Court may deem fit and proper in the interest of justice;

b) Pending the hearing and final disposal of the Writ Petition, further hearing of RCS No. 29 of 2017 pending before Ld.

CJJ, Mahabaleshwar be stayed for;”

3. It is therefore clear that the only relief sought is a direction to the learned Trial Judge to hear and dispose of the suit in a time bound manner. Admittedly, no order is impugned in the present petition.

4. Considering the fact that such prayer, if granted, would be unfair to the other litigants who are patiently waiting for disposal of their matters, I am not inclined to grant the prayer as sought.

5. However, considering that the suit is of the year 2017, it is always open to the Petitioner to apply to the Trial Court for taking up the suit for hearing on priority basis, which application if made, will be decided by the Trial Court, considering the exigency of the work pending in the concerned Trial Court.

6. With above observation, writ petition is disposed of.

7. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)