

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6100 OF 2019

Netaji Shivram Chavan

.. Petitioner

Versus

Surekha Subhash Chavan and Ors.

.. Respondents

-
- Mr. Suresh M. Sabrad a/w. Mr. Amey Sawant, Advocates for Petitioner.
 - Mr. Vaibhav Gaikwad, Advocate for Respondents.
-

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 02, 2024.

P.C.:

1. Heard Mr. Sabrad, learned Advocate for Petitioner and Mr. Gaikwad, learned Advocate for Respondents.

2. Considering that the present Writ Petition challenges the order passed in Misc. Civil Application upholding the orders passed under Exhibit “5” on 01.09.2018 and 22.04.2019 and the nature of the Suit proceedings, after hearing Mr. Sabrad and Mr. Gaikwad it is seen that a trial is imminent in order to decide and adjudicate the substantive rights of the respective parties considering the registered sale deed and the amounts paid thereunder as also the substantive rights which have not been adhered to as agreed / alleged by the parties.

3. It is therefore directed that the learned Trial Court shall finally decide Special Civil Suit No.178 of 2017 within a period of six months from today.

4. Both parties shall appear before the learned Trial Court on 05th February, 2024 at 10:30 a.m. alongwith an authenticated copy of this order and the learned Trial Court is directed to fix the schedule for hearing and trial in the Suit proceedings.

5. The learned Trial Court is directed by this Court not to grant any unnecessary adjournment to the parties unless absolutely necessary. Equally parties are directed not to take adjournment and learned Advocates appearing for the parties assure the Court that they shall abide by the same.

6. It is clarified that, the learned Trial Court shall not be influenced by any of the observations and findings in the twin orders dated 01.09.2018 and 22.04.2019 and determine the Suit proceedings on merits strictly in accordance with law without being influenced by any of the said findings. In the present order also no opinion has been expressed by this Court.

7. Writ Petition is disposed in the above terms.

[MILIND N. JADHAV, J.]