

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16626 OF 2023

Sambhaji Pandurang Shejwal

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

.....

- Mr. Parimal Wagh for Petitioner

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 05, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 05.02.2024. Heard Mr. Wagh, learned Advocate for Petitioner.
3. It is the grievance of the Petitioner that progress of RCS No. 354/2022 pending before the Civil Judge Senior Division, Karad is not taking place in view of the conduct of Respondents to dilate the hearing of the suit proceedings by seeking repeated adjournments. Petitioner is also aggrieved with the ongoing construction activity on the suit property resultantly blocking the only entry of the Petitioner to the three plots owned by the Petitioner and blocking his access as stated in the praecipe.
4. In so far as the issue of any ongoing activity or blocking of access is concerned, adequate remedy is available to the Petitioner to

approach the Trial Court in that regard considering pendency of the suit proceedings. If the Petitioner files any such Application before the learned Trial Court, it is requested to consider the same strictly in accordance with law and on merits of the matter.

5. In so far as the issue of expeditious disposal of the Writ Petition is concerned, I am not inclined to accept the request of Mr. Wagh considering that RCS No. 354/2022 has been filed in the year 2022 itself. It has now become a fashion with certain Advocates of this Court to file suit before the Trial Court and move this Court within one / two years by filing a Writ Petition and seek directions to decide the Suit in a time bound manner which has been done by the present Petitioner in this Writ Petition. Such practice is deprecated by this Court. Hence the prayer for expeditious disposal made within one year of filing the Suit stands rejected. It shall undoubtedly at the discretion of the Trial Court as per its roster.

6. With the above observations, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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