

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6745 OF 2024

Dnyaneshwar Chabu Shinde & Ors.

.. Petitioners

Versus

Namdeo Vishwanath Gangurde & Ors.

.. Respondents

.....

- Mr. Manoj Patil, learned Advocate for Petitioners
- Mr. Narayan Rokade for Respondent Nos. 1 and 2
- Mr. P.G. Sawant for Respondent No. 3

.....

CORAM : MILIND N. JADHAV, J.

DATE : MAY 08, 2024

P. C.:

1. Heard Mr. Patil, learned Advocate for Petitioners; Mr. Rokade, learned Advocate for Respondent Nos. 1 and 2 and Mr. Sawant, learned Advocate for Respondent No. 3.

2. Without delineating or expressing any opinion on the findings returned in the twin orders i.e. judgment & order dated 02.04.2024 passed by learned District Court in MCA No. 41/2023 and order dated 02.06.2023 passed by learned Trial Court in the Application below Exh. 5 in RCS No. 198/2023, the hearing of said RCS stands expedited.

3. Learned Trial Court is directed to expedite the hearing of the said Suit and decide the same as expeditiously as possible and in any event within a period of six months from today strictly in accordance

with law. It is clarified that the learned Trial Court shall not give any unnecessary adjournments to the parties unless they are absolutely necessary in the case of any urgency or emergency only.

4. It is clarified that the findings returned in the above twin orders under Exh. 5 as also the orders passed under Section 5 and 23 of the Mamlatdars Court Act, 1906 are *prima facie* in nature and the same would not be held against the Petitioners at the time of deciding the Suit and the Suit shall be decided on its own merits strictly on the basis of the evidence led by the parties.

5. All contentions of all parties are expressly kept open.

6. With the above directions, Writ Petition stands disposed.

[MILIND N. JADHAV, J.]

Amberkar

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2024.05.08
19:41:01 +0530