

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9739 OF 2018

Ravi Maruti Shingre

.. Petitioner

Versus

Aswin Popat & Ors.

.. Respondents

.....

- Mr. G.N. Salunke i/by Mr. Umesh Kurund for Petitioner
- Mr. Vivek Kantawala a/w Mr. Amey Patil & Shanay Bafna i/by Mr. Vivek M. Sharma for Respondent No. 6

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 13, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 13.03.2024. Heard Mr. Kantawala, learned Advocate for Respondent No. 6 and Mr. Salunke, learned Advocate for Petitioner.
3. Order impugned in the present Petition is dated 30.07.2015 which has been stayed by this Court on 10.09.2015. It is seen that the Suit is filed in 1984. Plaintiff No. 1 desires to lead witness action and in the course of doing so, he referred to and relied upon the certain documents which were marked as exhibits in evidence. They were specifically objected to by Defendant No.1 for various reasons, however those objections have not been considered and impugned

order dated 30.07.2015 has been passed by marking those documents as exhibits. Present Writ Petition is filed to challenge the said order.

4. Both the learned Advocates would inform the Court that in the interregnum Plaintiff No. 1 has expired in 2021. In view of the demise of Plaintiff No. 1, it shall now be open for his legal heirs to come on record and prosecute the suit proceedings if they so desire in accordance with law. However, Mr. Kantwala would inform the Court that since the Suit has been stayed since long and if the legal heirs of Plaintiff No. 1 do not desire to lead evidence, Plaintiff No. 2 would endeavor and consider leading evidence. Both the learned Advocates would submit that as the Suit is of 1984, it requires early disposal.

5. In view of the above mentioned facts, the impugned order dated 30.07.2015 has become infructuous. Needless to state that it shall be open to the legal heirs of Plaintiff No. 1 to come on record and prosecute the Suit strictly in accordance with law.

6. In view of the fact that Suit is of the year 1984, learned Trial Court is requested and directed by this Court to dispose of S.C. Suit No. 8184 of 1984 within a period of one year from today as requested by learned Advocates for both parties. 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.

7. In view of the above, Writ Petition is disposed.

Amberkar

[MILIND N. JADHAV, J.]

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