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

WRIT PETITION NO. 3043 OF 2024

Prakash Govind Mali and Ors.

.. Petitioners

Versus

Mohan Baban Bhuvad

.. Respondent

-
- Mr. Suresh K. Mali i/by Mr. Vishnu L. Chaudhari, Advocate for Petitioners.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 04, 2024.

P.C.:

- 1.** Heard Mr. Mali, learned Advocate for the Petitioners.
- 2.** After hearing Mr. Mali at length, learned Advocate for the Petitioners who are Defendants in the Suit proceeding and after expressing my mind to him that I would not be inclined to pass any order in the Writ Petition, in his usual fairness, he has requested the Court to allow the Petitioners to withdraw the Petition unconditionally and expedite the Suit proceedings pending before the learned Trial Court. That request made by the learned Advocate is fair.
- 3.** The learned Trial Court is requested by this Court to dispose of Regular Civil Suit No.47 of 2020 as expeditiously as possible and preferably within a period of one (1) year from today strictly in accordance with law.

4. It is clarified that learned Trial Court shall not be influenced by any observations and findings returned in the twin impugned orders dated 02.09.2021 and 24.03.2023 while adjudicating and determining of the Suit proceedings considering that the said observations and findings are *prima facie* in nature.

5. Needless to state that both the aforesaid orders, though are sustained till the disposal of the Suit proceedings, the learned Trial Court shall commence the trial and determining the Suit in accordance with law and the evidence that shall be placed before itself strictly in accordance with law and on merits of law.

6. All contentions of both the parties are expressly kept open.

7. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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