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

WRIT PETITION NO. 5863 OF 2016

Shivaji Anand Avhad

.. Petitioner

Versus

Sonabai Jagannath Avhad and Ors.

.. Respondents

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- Mr. Pandit Kasar, Advocate for Petitioner.
 - Mr. K.H. Holambe Patil a/w. Mr. K.K. Holambe Patil and Mr. Nitin Markute, Advocates for Respondents.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 23, 2024.

P.C.:

1. Heard Mr. Kasar, learned Advocate for Petitioner and Mr. Holambe Patil, Advocate for Respondents.

2. This Writ Petition takes exception to the order dated 08.10.2015 passed in Application filed below Exhibit “31” in Regular Civil Suit No.119 of 2015. By virtue of the Application filed under Order VI Rule 17 of the Code of Civil Procedure, 1908 in a Suit filed for declaration by the Plaintiff, Plaintiff sought an additional declaratory prayer to declare the Plaintiff as the owner of the Suit property. *Prima facie* it is seen that the said relief is in the nature of a consequential relief to the principal relief prayed for by the Plaintiff in the Suit proceedings. That Application was allowed and therefore there can be no impediment whatsoever to interfere with the impugned order.

3. However it is seen that Mr. Kasar and Mr. Patil, both are *ad idem* that the Suit has proceeded and the evidence of Plaintiffs is almost over as informed by Mr. Kasar. Mr. Kasar would therefore submit that this Court be pleased to pass appropriate directions to dispose of Regular Civil Suit No.119 of 2015 as expeditiously as possible in order to redress the grievances of the parties at the earliest. It is a very fair suggestion given by Mr. Kasar. I am inclined to accept the same. Mr. Patil endorses the suggestion of Mr. Kasar.

4. In view of the above and more specifically in view of the observations and findings recorded by the learned Trial Court in the order dated 08.10.2015, the said order is sustained.

5. The learned Trial Court however is requested and directed by this Court to dispose of Regular Civil Suit No.119 of 2015 within a period of 5 months from today in view of the fact that the Suit has remained pending since the year 2015.

6. Both the learned Advocates on instructions would submit that the parties shall not take any unnecessary adjournment before the learned Trial Court and assist the Court for disposal of the said Suit within the aforementioned time frame as suggested and directed by this Court.

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

[MILIND N. JADHAV, J.]