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

WRIT PETITION NO. 1264 OF 2022

Tushar Shridhar Vibhute and Anr. .. Petitioners

Versus

~~Gangaram Balvant Vibhute~~

(Deceased) through Legal Heirs

Uddhav Gangaram Vibhute and Ors. .. Respondents

.....

- Mr. Kuldeep Nikam, Advocate for Petitioners.
- Mr. Nilesh Wable a/w. Ms. Bhavika Shinde i/by Mr. Umesh Mankapure, Advocate for Respondents.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 08, 2024.

P.C.:

1. Heard Mr. Nikam, learned Advocate for Petitioners and Mr. Wable, learned Advocate for Respondents.

2. Both the learned Advocates have drawn my attention to the map submitted by the Plaintiff – Gangaram Vibhute before the Trial Court depicting the shares / share holdings of the Suit property. This Map is seriously refuted by Mr. Nikam. According to Defendants, construction which has been put by Defendants is standing only on the share belonging Tushar Vibhute and not the share claimed by Plaintiffs.

3. Contentions raised have to be the subject matter of trial and evidence. At this stage, without opining any thing on merits or

considering the case of Petitioners as also Defendants without the trial being completed, I have impressed upon both learned Advocates that parties should rather attempt an expeditious trial and a decision in the Suit proceedings.

4. Both learned Advocates have taken instructions and would submit that they are ready and willing to do the same. In that view of the matter, it is stated that this Court has not expressed any opinion or view on the findings returned by the learned Trial Court in the impugned order and is directing the learned Trial Court to complete hearing in the Suit proceedings as expeditiously as possible and within a period of eight (8) months from today.

5. Needless to state that the learned Trial Court shall decide the Suit proceedings on its own merits and shall not be influenced by any of the findings in the order passed below Exhibit “5” as also in the order passed in the Misc. Civil Appeal.

6. All contentions of both parties / sides are expressly kept open. Parties shall be at liberty to lead evidence in support of their respective cases.

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

8. With the above directions, Writ Petition is disposed

[MILIND N. JADHAV, J.]

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