

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3380 OF 2022

Shrikrishna Industries

.. Petitioner

Versus

The Maharashtra State Farming Corporation Ltd.
and Anr.

.. Respondents

.....

- Mr. Shyam C. Arora a/w. Mr. Diptendu Bose, Advocates for Petitioner.
- Mr. Vishal Kanade, a/w. Mr. P. H. Gaikwad, Mr. B. S. Shinde and Ms. Janvi Joshi, Advocates for Respondent Nos.1 and 2.

.....

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 19, 2024

P.C.:

1. Heard Mr. Arora, learned Advocate for Petitioner and Mr. Kanade, learned Advocate for Respondent Nos.1 and 2.

2. After hearing learned Advocates appearing for the respective parties at length and after perusing the impugned orders dated 01.07.2016 passed below Exhibit-5, order dated 07.10.2016 passed below Exhibit-46 in Special Civil Suit No.1123 of 2015 and dated 27.10.2021 passed below Exhibit-30 in Miscellaneous Civil Appeal No.315 of 2016, I have expressed my mind to Mr. Arora. After taking instructions, Mr. Arora has sought leave to withdraw the present Writ Petitions to enable the Writ Petitioner to prosecute its claims in the suit proceedings.

3. Mr. Arora would further urge the Court to pass appropriate directions for expeditious disposal of Special Civil Suit No.1123 of 2015. He would also submit that in the event if Petitioner desires to take up any interlocutory proceedings other than Exhibit-5 it should be allowed to do so. That would undoubtedly be the prerogative of the Plaintiff before the Trial Court and no such leave of this Court is required for this purpose.

4. Mr. Arora's request for early disposal is considered since the suit is almost 9 years old. Hence, learned Trial Court is directed to decide Special Civil Suit No.1123 of 2015 as expeditiously as possible and in any event within a period of one year from today strictly in accordance with law.

5. It is however clarified that the learned Trial Court shall not be influenced by any of the observations and findings appearing in the order passed below Exhibit-5 and the order passed by the District Court in Miscellaneous Civil Appeal since those findings are *prima facie* in nature and proceedings in Special Civil Suit No.1123 of 2015 shall be decided on the basis of evidence led by the parties and strictly in accordance with law.

6. Needless to state that all contentions of both parties are expressly kept open including all rights to file any further interlocutory proceedings other than Exhibit-5, if so available and permitted in law.

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

H. H. SAWANT

[MILIND N. JADHAV, J.]

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