

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10875 OF 2022

Ashok Bhausahab Bargale & Anr. .. Petitioners
Versus
The Tahsildar Office & Ors. .. Respondents

WITH
WRIT PETITION NO. 4840 OF 2023

Amol Dilip Jatte & Ors. .. Petitioners
Versus
Abhinandan Ashok Bargale & Ors. .. Respondents

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- Mr. Ashutosh M. Kulkarni a/w Mr. Nagesh Chavan in WP/10875/2022 & for Respondent Nos. 1 & 2 in WP/4840/2023
 - Mr. Surel Shah a/w Mr. Shubham Shinde & Mr. Ishaan Kapse i/by Mr. Swaroop Karade for Petitioners in WP/4840/2023
 - Ms. Bhavana Kongre i/by Mr. Purushottam Chavan for Respondent No. 3 in WP/10875/2022
 - Mr. Vijay Killedar for Respondents in WP/10875/2022
 - Mr. S.D. Rayrikar, AGP for State

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 7, 2024

P. C.:

1. Heard learned Advocates appearing for the parties.

Writ Petition No. 10875 of 2022 :-

2. Without delineating anything on merits of the matter, in his usual fairness Mr. Killedar has placed before me the instructions received by him from Respondent No. 2. The same is taken on record and marked “X” for identification.

3. Without prejudice to the rights and contentions of the parties, learned Trial Court is directed to decide and dispose of pending suit i.e. RCS No. 76/2021 within a period of four months from today without being influenced by any of the observations and findings in the impugned order as the said observations and findings are *prima facie* in nature and decide the Suit strictly on merits and after going through the evidence led by the parties before the Trial Court. Needless to state that all contentions of the parties are expressly kept open. All parties have assured the Court that they shall coordinate with the trial and shall not seek any unnecessary adjournments. Learned Trial Court is also directed not to give unnecessary adjournments to the parties considering the urgency involved in the present case. If required learned Trial Court may take the matter for witness action on day to day basis once the witness of either of the parties is put in the witness box so as to ensure that the Suit is decided within the time bound programmed as directed by this Court.

4. Parties shall appear before the learned Trial Court on 14.03.2024 at 10:30 a.m. for fixing schedule for hearing of the suit proceedings i.e. RCS No. 76/2021.

5. With the above direction, Writ Petition No. 10875 of 2022 is disposed. All parties are directed to maintain *status quo* till the disposal of the suit.

Writ Petition No. 4840 of 2023 :-

6. Present Writ Petition takes exception to the order dated 19.07.2021 which rejects impleadment of Writ Petitioners as Defendants in the Suit. After hearing all parties on merits order is passed in Writ Petition No. 10875 of 2022. The order dated 19.07.2021 is therefore quashed and set aside. Learned Trial Court is directed by this Court to implead the Writ Petitioners / Intervenors as Defendants in the Suit proceedings i.e. in RCS No. 76/2021 Amendment shall be permitted to be carried out within one week from today before the learned Trial Court.

7. With the above direction, Writ Petition No. 4840 of 2023 is also disposed.

Amberkar

[MILIND N. JADHAV, J.]

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by RAVINDRA
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