

Ajay

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

WRIT PETITION NO. 3566 OF 2024

M/s. Udaan Construction Company

.. Petitioner

Versus

M/s. Parijat Constructions and Anr.

.. Respondents

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- Mr. N.P. Bhavsar, Advocate for Petitioner.
 - Ms. Milli Murkudkar i/by Mr. Ameet Mehta for M/s. Solicis Lex for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 20, 2024.

P.C.:

- 1.** Heard Mr. Bhavsar, learned Advocate for Petitioner and Ms. Murkudkar, learned Advocate for Respondent No.2 i.e. the newly proposed Defendant No.2 in the Suit proceedings.
- 2.** Today, Respondent No.1 is not present.
- 3.** At the outset, Ms. Murkudkar would submit that she has not received a copy of the Writ Petition which though has been served on the Society. Mr. Bhavsar, learned Advocate in his usual fairness has immediately given a copy to her in Court.
- 4.** Ms. Murkudkar would submit that appropriate instructions shall be taken from the Society and filed her Vakalatnama alongwith Affidavit-in-Reply on or before the next date.

5. Mr. Bhavsar draws my attention to the impugned order dated 26.04.2023 which is appended at page No.50 of the Writ Petition and would submit that the Commercial Suit filed by the Applicant is in respect of recovery of amount from Defendant No.1 has been protracted and prolonged unnecessary. I agree with the submissions of Mr. Bhavsar.

6. I have impressed upon Mr. Bhavsar to consider early determination of the Commercial Suit before the learned Trial Court in a time bound manner so that the trial can be concluded. He would assured the Court that he would take appropriate instructions and inform the Court accordingly on the next adjourned date.

7. Ms. Murkudkar, learned Advocate for Respondent No.2 is directed to file her Affidavit-in-Reply, if any, if so desired on or before the next date.

8. It is clarified that, this Writ Petition shall be disposed of on the next adjourned date at the stage of admission itself after hearing the parties.

9. Stand over to **27th June, 2024.**

[MILIND N. JADHAV, J.]

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by AJAY
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