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

WRIT PETITION NO. 2575 OF 2024

Indubai Hiranman Choudhari and Ors.

.. Petitioners

Versus

Shri. Jayant Maniklal Lunawat and Ors.

.. Respondents

.....

- Mr. Namitkumar S. Pansare, Advocate for Petitioners.
- Mr. Rashmin Khandekar a/w. Mr. Parth Jasani, Advocates for Respondent Nos.1 and 2.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 19, 2024.

P.C.:

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Heard Mr. Pansare, learned Advocate for Petitioners and Mr. Khandekar, learned Advocate for Respondent Nos.1 and 2.
- 3.** Mr. Khandekar, learned Advocate in his usual fairness would inform the Court that Respondents who are Plaintiffs before the Trial Court accept setting aside of the order dated 20.01.2024. Resultantly not pressing their Application for amendment. He would inform the Court that this stand is adopted by Plaintiffs in view of the fact that part of the amendment was of an explanatory nature, but he would request and urge the Court that contentions of Plaintiffs should not be foreclosed including framing of any additional issue, if so desired, by the Plaintiffs and if any such Application is made by Plaintiffs, it may

be considered on its own merits and in accordance with law. Undoubtedly even if the Respondents / Plaintiffs accept the order dated 20.01.2024, it will not amount to foreclosing of any of their right to make any Application before the learned Trial Court in accordance with law including Application for framing additional issue, if so desired.

4. Needless to state that the learned Trial Court shall hear both the sides and decide any such an Application strictly in accordance with law.

5. In view of the long pendency of the Suit, the learned Trial Court is requested by this Court to dispose of the pending Suit as expeditiously as possible and in any event within a period of six (6) months from today.

6. It is clarified that parties shall not take any unnecessary adjournments and the Trial Court shall grant adjournment only if it is utmost necessary due to any emergency / exigency.

7. Parties are directed to cooperate with the Trial Court for expeditious disposal of the Suit proceedings.

8. All contentions of the parties are expressly kept open before the learned Trial Court.

9. In view of the above, Writ Petition stands allowed and disposed.

[MILIND N. JADHAV, J.]

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Date: 2024.06.19
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