

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8062 OF 2024

Konark Life Space

.. Petitioner

Versus

~~Hari Janu Bhosale~~

(since deceased)

Hirabai Hari Bhosale & Ors.

.. Respondents

-
- Mr. Prasanna S. Tare for Petitioner

.....
CORAM : MILIND N. JADHAV, J.

DATE : JUNE 26, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 26.06.2024.
3. Heard Mr. Tare, learned Advocate for Petitioner.
4. By filing the present Writ Petition, Petitioner (Defendant No. 3) seeks expeditious disposal of Special Civil Suit No. 231/2016 pending on the record and file of the Civil Judge Senior Division, Kalyan.
5. Mr. Tare would submit that Suit is filed by the Plaintiffs seeking cancellation of the development agreement executed in favour of Defendant No.1. He would candidly point out to the Court that assignment of the said development agreement was done by Defendant No. 1 in favour of Defendant No. 2 who in turn assigned the right to Defendant No. 3. He would submit that since 2016, Suit

has remained pending since long. He would submit that Plaintiffs have filed affidavit of evidence in lieu of examination in chief of the Plaintiffs' witness but the documents which have been filed by the Plaintiffs are yet to be marked as exhibits by the learned Trial Court. Averments are to the effect that there was slow progress of the Suit proceeding before the learned Trial Court as also on account of the Court being on leave. It is averred that on 05.01.2024, Plaintiffs filed their affidavit in lieu of examination in chief along with affidavit under Section 65(B) of the Indian Evidence Act, 1872. Witness action was fixed sometime on 12.03.2024 on which date witness of the Plaintiffs did not remain present for cross-examination and thereafter the matter was adjourned from time to time.

6. On perusal of the pleadings and the grounds made in the Petition, there cannot be any impediment in allowing the Petition which would enure to the benefit of all parties to the suit proceedings as also in the interest of justice.

7. Learned Trial Court is requested to dispose of Special Civil Suit No. 231 of 2016 as expeditiously as possible and in any event within a period of six months from today strictly in accordance with law and after allowing both the parties to lead their respective evidence. Parties shall co-operate with the Trial Court and shall not seek

unnecessary adjournment unless it is absolutely necessary in case of any urgency or emergency.

8. All contentions of the parties are expressly kept open as this Court has not opined on merits of the issues involved in the suit proceedings.

9. Server copy of this order shall be placed before the learned Trial Court tomorrow i.e. on 27.06.2027 at 10:30 a.m. Learned Trial Court shall take cognizance of this order and determine the schedule for hearing of the suit proceedings strictly in accordance with law.

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

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR
Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2024.06.26
14:35:35
+0530