



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAW) NO. 431 OF 2024
IN
WRIT PETITION NO. 1357 OF 2020(D)

(Sunil S/o Chandrabhanji Sorte & Anr. Vs. Mahadeo Aratpayre & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. N.G. Jetha, Advocate for the Applicants/Petitioners.
Mr. V.R. Baseshankar, Advocate for the Non-applicants/Respondents.

CORAM: BHARAT P. DESHPANDE, J.

DATED : 7th MARCH, 2024

Heard learned counsel for the respective parties.

2. On 15.02.2024, this Court has passed the following order.

“1. This Court, vide order dated 02.12.2021, directed the trial Court to decide the application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, within a period of 45 days from the date of it's filling.

2. Thereafter, the application was filed on 16.12.2021 and within 45 days the trial Court may have decided the application.

3. However, by this application, it is pointed out that even after a lapse of two years, there is no decision taken on the said application or no extension was sought from this Court by the trial Court.

4. In that view of the matter, the Principal District Judge, Nagpur is directed to call report and explanation of the concerned Judge and submit the

same within two weeks from today to this Court.

5. The Registrar (Judicial) is directed to communicate this order to the Principal District Judge, Nagpur.

6. Stand over to 29.02.2024”

3. The report to the learned Principal District Judge, Nagpur is received alongwith the explanation from the learned Civil Judge Senior Division, Umred which is dated 17.02.2024. The said explanation show that the matter was transferred from Junior Division to Senior Division, and therefore, there was some confusion.

4. Both the learned counsel for the parties, now submit that they are ready to argue on the application even though the written submissions are already filed.

5. It is reported that the next date is now fixed on 26.03.2024.

6. Both the learned counsel for the parties, would submit that they are ready and willing to argue the matter on 26.03.2024.

7. The learned Civil Judge Senior Division, Umred, is therefore directed to allow the learned counsel for the parties to argue on the T.I. application on 26.03.2024. The learned Court shall dispose of such application within a period of 30 days thereafter.

8. The application stands **disposed of** in the above terms. No costs.

9. The order be communicated to the learned Civil Judge Senior Division, Umred through the learned Principal District Judge, Nagpur by E-mail.

10. The parties shall act on the authenticated copy of this order.

(BHARAT P. DESHPANDE, J.)

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