

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3782 OF 2025**

Gyanesh Kamal Singh & Anr ..Petitioners

Versus

Parmendra Shyamlal Kumar & Ors ...Respondents

Mr. S.A. Abhyankar (through VC), for the Petitioners.

CORAM: N. J. JAMADAR, J.

DATED : 20th MARCH 2025

P.C.:

1. Heard the learned Counsel for the petitioners.
2. The Petition is filed for expedite hearing of the Counter Claim No. 8 of 2017 pending before the learned Judge, City Civil Court at Dindoshi.
3. The respondents had instituted a S.C. Suit No. 566 of 2014 for specific performance of an oral Agreement. The Complaint in the said Suit was rejected by the learned Judge, City Civil Court. The Appeal preferred by the respondents against the said Order of rejection of the Complaint also came to be dismissed for want of prosecution.
4. In the said Suit, the petitioners have filed a Counter Claim seeking a mandatory injunction against respondent no.1 to hand over vacant and peaceful possession of the suit property.

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5. It was submitted that, since the Suit has been dismissed, the Counter Claim No. 8 of 2017 is not being proceeded with.

6. Without delving into the correctness of the grievances in the Petition regarding the delay in hearing of Counter Claim No. 8 of 2017 and having regard to the nature of the relief in the Counter Claim, the Petition stands allowed and the learned Judge, City Civil Court at Dindoshi seized with Counter Claim No. 8 of 2017 is requested to hear and decide the Counter Claim No. 8 of 2017 as expeditiously as possible.

[N. J. JAMADAR, J.]