

(2010) 10 GUJ CK 0159

In the Gujarat High Court

Case No : Civil Revision Application No. 515 of 2001

Nathabhai Lallubhai Thakore

APPELLANT

Vs

Chanchalben and Others

RESPONDENT

Date of Decision : 01-10-2010

Acts Referred:

Citation : (2010) 10 GUJ CK 0159

Hon'ble Judges : Jayant M. Patel, J

Bench : Single Bench

Advocate : A.G. Vyas, for the Appellant; H.M. Parikh, for the Respondent

Judgement

Jayant Patel, J.—The present revision is directed against the judgment order dated 28.3.2001 passed by the learned Extra Assistant Judge, Nadiad in Civil Misc. Appeal No. 267 of 2000 arising from the interim order passed by the Civil Court below Application Exh. 5.

2. It appears that when the petition was entertained for the first time on 10.5.2001, this Court (Coram: P.K. Sarkar, J.), after recording the reasons, had not granted any interim relief and only issued notice. Thereafter, the matter has remained pending before this Court for about 9 years. Therefore, the position as was prevailing then has continued for about 9 years.

3. Under these circumstances, it appears that instead of deciding the questions, which are raised in the present proceedings, it would be just and proper to direct the trial Court to dispose of the suit, if not disposed of, within some time limit, more particularly because the suit of the year 2000 is pending before the trial Court for a long time.

4. Hence, considering the facts and circumstances, the trial Court is directed to dispose of the suit No. 104 of 2000 as early as possible, preferably within a period of one year from the date of receipt of this Court.

5. Subject to the aforesaid observations and directions, rule discharged. It is also

observed that the trial Court shall independently decided the matter, without influencing in any manner by the observations made by this Court in the present proceedings. No order as to costs.