

ORDER BELOW EXH. 262

(Passed on : 27.09.2018)

01. Present application is filed to fix the matter on day-to-day basis contending that the Hon'ble District Court made time bond matter and directed to dispose of matter within three months, to which defendant No. 1 to 3, 5 & 6 filed say and opposed on the ground that order of the Hon'ble District Court in appeal is directory and not mandatory. Wife of defendant No.1 is suffering from Cancer and therefore matter may be heard by giving opportunities to the parties. Other defendants failed to file say and argue the application.

02. Heard Advocate for the plaintiff and defendant No. 1 to 3, 5 & 6. Copy of order passed by the Hon'ble District Court in Civil M.A. No. 23/2014 dated 17.07.2017 is produced by the plaintiff on 24.07.2018. Till that date the copy of said order was not produced on record by any party. Therefore, said order was not within the knowledge of this Court. Though defendants contended that said order is directory and not mandatory but that order is binding upon this Court and this Court has to follow the directions of the Hon'ble District Court. No doubt, while deciding the matter proper opportunity will be given to the parties but that does not mean, taking frequent adjournments, therefore, parties shall co-operate to dispose of the matter without seeking unnecessary adjournments.

Nilanga.
Dated : 27.09.2018.

Sd/-
(R. P. Kulkarni)
Civil Judge Senior Division,
Nilanga.