

**ORDER BELOW EXH. 118 IN SPL.C.S. No.411/2018**

1. Plaintiff has filed this application seeking adjournment for argument below Exh.38. Advocate for plaintiff submitted that his client had instructed him to proceed with amendment application Exh.107 and as his client is not available and not reachable hence, he is unable to argue on Exh.38. Hence, prayed for adjournment.

2. Advocate for defendant No. 5 resisted the application and filed his reply overleaf. He submitted that son of partner of plaintiff firm is present. Plaintiff is unnecessary delaying the matter inspite of undertaking given before the Hon'ble High Court. Hence, prayed that application be rejected with cost.

3. Advocate for defendant No. 6 resisted the application and filed his reply overleaf. He submitted that plaintiff is taking the U-turn from what he has stated in undertaking before the Hon'ble High Court. Pleading as far as Exh. 38 are completed. The Hon'ble High Court in their order dt.12/11/2024, has directed that Writ Petition also shall not come in between application Exh.38. Hence, prayed the application be rejected.

4. Heard all the Ld. Advocates. Perused the order passed by the Hon'ble High Court in Writ Petition No.13297/2024, dt.04/10/2024. The Hon'ble High Court has directed this Court to decide application Exh.38 as expeditiously as possible and preferably within a period of four weeks. Till date, application Exh.38 is pending and Advocate for plaintiff is insisting to decide application filed under Order 1 Rule 10(2) of Code of Civil Procedure at Exh.107 filed on 13/12/2024. As per the directions of the Hon'ble High

Court, application Exh.38 is to be disposed of as early as possible and plaintiff cannot be allowed to delay to proceed application Exh.38 by filing another application Exh.107. Moreover, the insistance of Advocate for plaintiff to decide application Exh.107 prior to Exh.38 cannot be considered. Hence, the application stands rejected with cost of Rs.2000/- to be paid to Legal Aid on or before next date.

Panvel.  
Date : 03-01-2025.

Sd/-  
(Nayomi P Pawar)  
Civil Judge, Senior Division Panvel.