

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 469 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

M/S E.A.PANDOL CONSTRUCTION CO.

Versus

GOVINDBHAI DAHYABHAI PATEL (THRO.HIS HEIRS)

Appearance:

1. Appeal from Order No. 469 of 2001
MRS KETTY A MEHTA for Appellant No.
M/S S & S ASSOCIATES for Respondent No. 1
..... for Respondent No. 1/1-1/7
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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 28/02/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order being aggrieved by the order dated 31st July, 2001 passed below application exh.5 by the learned Joint Civil

Judge (S.D.), Surat in Special Civil Suit No. 441 of 2000, whereby the said application was rejected.

2. While admitting this Appeal from Order, this Court in Civil Application No. 12468 of 2001 had directed the opponent to maintain status quo. Now, as status quo is operating, it would be appropriate to direct the parties to maintain status quo till the Suit in question pending before the said Court is finally disposed of.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the said suit while continuing the status quo granted by this Court.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to hear and dispose of Special Civil Suit No.441 of 2000 pending before the Court of the learned Joint Civil Judge (S.D.), Surat as expeditiously as possible and preferably within a period of six months if it is ripe for hearing otherwise within a period of one year from the date of receipt of writ of this order. Parties are directed to maintain status quo till the said suit is finally disposed of.

5. With the above observations and directions, the Appeal from Order stands disposed of. Office is directed to send writ of this order forthwith.

[K. S. JHAVERI, J.]

/phalguni/