

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.1923 OF 2005

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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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?

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PARMAR MAFATLAL CHHAGANLAL

Versus

VIJAPUR NAGARPALIKA (BOROUGH)

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Appearance:

1. Special Civil Application No. 1923 of 2005  
MR. Y.V. VAGHELA for Petitioner  
MR. H.M. PARIKH for Respondent
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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 29/04/2005

ORAL JUDGEMENT

1. By way of this petition, the petitioner has challenged the order dated 15th December, 2004 passed by the learned Joint District Judge and First Fast Track Judge, Mehsana whereby the appeal preferred by Vijapur Nagarpalika was allowed and the order dated 29th April, 2004 passed by the learned Joint Civil Judge (J.D.), Vijapur below Application-Exh.5 in Regular Civil Suit

No.2 of 2004 was vacated.

2. I have heard the learned Counsel for the parties and have perused the relevant documents on record. While admitting the petition, the Court has not granted any stay against the order of the Appellate Court. In that view of the matter, it would be in the fitness of all concerned to direct the trial Court to expedite the hearing of the suit and decide the same within a time bound frame.

3. Accordingly, without entering into the merits of the matter, the trial Court is directed to expedite the hearing of the suit, being Regular Civil Suit No.2 of 2004 and to dispose it of within a period of one year from the date of receipt of writ of this order. Looking to the financial condition of the respondent, it is clarified that in the meantime, if any amount, which is due as per the calculation of the Municipality and is required to be paid to the petitioner, be paid to the present petitioner.

4. With the above observations and directions, the petition is disposed of. Rule is made absolute to the aforesaid extent only. Office is directed to send writ of this order forthwith.

[K.S.Jhaveri, J.]

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