

Gujarat High Court

Jignesh vs Samrajya on 16 March, 2011

Author: S.R.Brahmbhatt,&Nbsp

Gujarat High Court Case Information System

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SCA/3291/2011    3/ 3    ORDER

IN  
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL  
CIVIL APPLICATION No. 3291 of 2011

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JIGNESH  
KANAIYALAL HINGOO THROUGH POWER OF ATTORNEY & 1 - Petitioners

Versus

SAMRAJYA  
CO OP HOUSING SERVICE SOC LTD - Respondent

=====

Appearance :  
MR  
NILESH P SHAH for Petitioners : 1 - 2.MR PNSONI for Petitioners : 1 -  
2.  
MR DHAVAL D VYAS for  
Respondent:  
=====

CORAM

:

HONOURABLE

MR.JUSTICE S.R.BRAHMBHATT

Date  
: 16/03/2011

ORAL  
ORDER

Heard learned advocates for the parties.

The advocates for the parties have under instructions of their respective clients arrived at a consensus that the Board of Nominees be directed to decide the Lavad Suit No. 946 of 2010 within a stipulated time period, so that the parties would come to know their respective position. The Board of Nominees while deciding Lavad Suit No. 946 of 2010 may not in any way be influenced by the observations made in the order dated 25/1/2011 in Revision Application No. 268 of 2010.

In view of the aforesaid consensus arrived at between learned advocates for the parties, this Court is of the view that the entire dispute so far as this petition is concerned could be taken care of by issuing following directions.

a) The Board of Nominees is hereby directed to decide the Lavad Suit No. 946/2010 on or before 15/4/2011, as the advocates have agreed that the parties or their counter parts in the Board of Nominees would not seek adjournments and would cooperate in all the manner with the Board of Nominees in having the Lavad Suit decided finally by 15/4/2011.

b) The Board of Nominees may not be influenced or taken into consideration the observations and findings if any made in the order dated 25/1/2011 in Revision Application No. 268/2010 while deciding Lavad Suit No. 946/2010.

This Court has disposed of the petition without going into the merits of the challenge to the order dated 25/1/2011, and therefore, it is all the more incumbent upon the Board of Nominees to decide Lavad Suit No. 946/2010 independently and without relying upon any of the observations and or findings which are tentative in nature for deciding the Lavad Suit in question.

As the petition is not decided on merits, the order impugned shall have no efficacy. As otherwise also Lavad Suit No. 946/2010 is ordered to be disposed of on or before 15/4/2011, it is in the interest of the parties that status-quo as on date be maintained by all till disposal of the suit.

In view of above observations, this petition stands disposed of. No costs.

[ S.R. BRAHMBHATT, J ] /vgn Top