

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2790 OF 2014

Mukund Sawalarampant Ruikar ..PETITIONER

VERSUS

Chandrakant Dattatray Ruikar
and ors. ..RESPONDENTS

Mr Arvind Deshmukh, Advocate for petitioner;
Mr A.B. Kadethankar, Advocate for respondent no.1

CORAM : N.W. SAMBRE, J.

DATE : 12th January, 2015

ORAL ORDER

This Court, by an order dated 2nd December, 2014, has called report from the 3rd Jt. Civil Judge Junior Division, Georai, who has passed the impugned order, subjecting defendants no.3 and 4 to the medical examination.

2. The report of the Civil Judge depicts that no notices were served on defendants no.3 and 4. In that view of the matter, it is clear that the order dated 11th March, 2014 was passed without hearing defendants no.3 and 4 and as such it is not sustainable.

3. In the light of above, the order dated 11th March, 2014, passed by 3rd Joint Civil Judge Junior Division, Georai, below Exh.188, in Regular Civil Suit No.130 of 2004, is hereby quashed and set aside. Learned 3rd Joint Civil Judge Junior Division, Georai, is directed to hear Exh.188 in Regular Civil Suit No.130 of 2004 afresh, after ensuring that notices are served on defendants no.3 and 4.

Writ Petition stands disposed of in above terms with no order as to costs.

(N.W. SAMBRE, J.)

amj