

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5634 OF 2015

BHAGYASHREE BHAUSAHEB @ BHAURAO GHUTE
VERSUS
ADYANBAI MURLIDHAR GULBHILE AND OTHERS

...
Advocate for Petitioner : Ghute Suhas B. For Petitioner
Advocate for Respondents : C.R.Deshpande And M.S.Deshpande Adv. For
R//3,5 to 7.

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CORAM : N.W.SAMBRE,J.
DATED : 27TH NOVEMBER,2015

ORDER :-

The parties are in agreement that the order dated 13/1/2015 needs to be set aside as in my opinion, it gives complete incorrect reasons particularly about inconsistency of pleas.

2] As such Petition is allowed. The order impugned passed by C.J.S.D.Ambajogai on 13/1/2015 in R.C.S.No.98/2012 below Exh.53 is set aside with direction to the learned C.J.S.D. to decide application Exh.53 afresh after considering the conduct of the defendant of transferring the property during pendency of the Suit and operation of injunction and also upon taking into account the law laid down by this Court in the matter of **Kachhi Properties, Satara V/s Ganpatrao Shankarrao Kadam and others reported in 2010(5) Mh.L.J.903**. As such, Petition stands allowed in above terms. Application be disposed of expeditiously.

(N.W.SAMBRE,J.)

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