

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 868 OF 2015

LAKHURSING SANDHU
VERSUS
PRADIP SHANKARRAO SHETTE

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Advocate for Petitioner : Shri Tribhuwan Nitin T.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 27, 2015
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PER COURT :-

1. The petitioner is aggrieved by the order dated 15.11.2014 passed on application Exhibit 10, dated 16.1.2014.
2. The petitioner states that the respondent has a habit of instituting suits and he withdraws the same after the petitioner appears in the matter. By application Exhibit 10, the petitioner has raised specific objection under Order VII Rule 11(b) and (d) of the CPC, praying for rejection of the suit.
3. By the impugned order the trial Court has only directed the respondent / plaintiff to pay deficit court fees. The application Exhibit 10 appears to be still pending since there is no order passed, either allowing the application or rejecting it.
4. Notwithstanding the above, the petitioner fairly states that the Written Statement is yet to be filed in Rent Suit No.17 of 2013.
5. In the light of the above, I find no reason to entertain this petition and the same is disposed off with the observations that the petitioner shall file his Written Statement and along with the same raise all objections, in fact and on law, in response to Rent Suit No.17 of 2013.

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Needless to state, the learned trial Court shall consider the Written Statement and the preliminary objections while framing appropriate issues.

(RAVINDRA V. GHUGE, J.)

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