

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPEAL FROM ORDER NO. 119 OF 2014
(Kanchanmala Kantilal Kedari and others Vs. Baliram
Pralhad Dhande and another)

Mr. A.N. Sabnis, Advocate holding for Mr. Abhijit G.
Choudhari, Advocate for the appellants
Mr. N.V. Gaware, Advocate holding for Mr. G.D.
Tanpure, Advocate for respondents No. 1 and 2

CORAM : M.T. JOSHI, J.
DATE : 31/03/2015

ORAL ORDER :

1. Heard both sides.
2. Upon hearing both sides, it has become an admitted fact that the order dated 23.09.2014 was passed exparte as the present appellants did not appear in the proceeding. Lateron, however, the appellants have appeared and filed an application for setting aside the order to proceed with the suit exparte, passed by the trial court. Permission to file written statement was granted. This appeal is directed against the order of temporary injunction similarly passed exparte.

3. Considering all these facts, it is hereby directed that the learned trial court to hear the present appellants/applicants afresh upon filing reply by the present appellants/applicants within a period of three weeks from the date of this order and decide the application on its own merit. Till then, the temporary injunction granted by the trial court to continue.

. The appeal from order accordingly stands disposed of.

4. In view of disposal of the appeal from order, civil application No. 274/2015 does not survive and hence, stands disposed of.

5. The parties to act on authenticated copy of this order.

[M.T. JOSHI]
JUDGE

npj/ao119-2014