

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10379 OF 2015

1. Sau. Kaushalyabai W/o Shriram Sharma,
Age: 67 years, Occ: Household & Agriculture,
R/o. Dhondnalgaon, Tq. Vaijapur,
Dist. Aurangabad.
2. Smt. Jatanbai W/o Bhagirath Sharma,
Age: 70 years, Occ: Household & Agriculture,
R/o Near Lalit Kala Bhavan, Osmanpura,
Aurangabad. ... Petitioners

Vs.

1. Sau. Sunita W/o Sharad Sharma,
Age: 40 years, Occ. Household,
R/o Tinkoni Gangapur, Tq. Gangapur,
Dist. Aurangabad.
2. The State of Maharashtra,
Through District Collector, Aurangabad.
3. The Tahsildar, (Tenancy),
Tahsil Office, Gangpur, Tq. Gangapur,
Dist. Aurangabad.
4. The Sub-Registrar,
Sub-Registration Office, Gangpur,
in the premises of Tahsil Office, Gangapur,
Tq. Gangapur, Dist. Aurangabad.
5. Smt. Ratanbai Shrikirshna Sharma,
Age: 65 years, Occ. Agriculture,
R/o Main Road, Lasur Station,
Tq. Gangapur, Dist. Aurangabad.
6. Subhash Shrikrishna Sharma,
Age: 49 years, Occ. Agriculture,
R/o Main Road, Lasur Station,
Tq. Gangapur, Dist. Aurangabad.
7. Raju Shrikrishna Sharma,
Age: 47 years, Occ. Agriculture,

R/o Main Road, Lasur Station,
Tq. Gangapur, Dist. Aurangabad.

8. Sanjay Shrikrishna Sharma,
Age: 45 years, Occ. Agriculture,
R/o Main Road, Lasur Station,
Tq. Gangapur, Dist. Aurangabad.
9. Sau. Anita Satyanarayan Gaur,
Age: 43 years, Occ. Household,
R/o. at Near Liker Chitra Mandir,
adjacent to gean Shri Medical Inchalkaranji,
Tq. Ichalkaranji, Dist. Kolhapur.
10. Sau. Manisha Mansukhbhai Sharma,
Age: 36 years, Occ. Household,
R/o Sita nagar, Choukadi No.85,
Surat, At post. Tq. & Dist. Surat,
Gujarat State.
11. Biharilal Shivdhan Sharma,
Age: 67 years, Occ. Agriculture,
R/o Lasur Station, Tq. Gangapur,
Dist. Aurangabad.
12. Premchand Shivdhan Sharma,
Age: 64 years, Occ. Agriculture,
R/o Lasur Station, Tq. Gangapur,
Dist. Aurangabad.
13. Smt. Shushilaba Jagdish Sharma,
Age: 57 years, Occ. Household,
R/o Parande Nagar, Alandi Road,
Dighi, Pune, Dist. Pune.
14. Sachin Jagdish Sharma,
Age: 34 years, Occ. Business,
R/o Parande Nagar, Alandi Road,
Dighi, Pune, Dist. Pune.
15. Lalit Jagdish Sharma,
Age: 28 years, Occ. Business,
R/o Parande Nagar, Alandi Road,
Dighi, Pune, Dist. Pune.
16. Jyoti Nandlal Sharma,
Age: 27 years, Occ. Household,
R/o Near Grampanchayat Office,

Bodwad, Tq. Bodwad, Dist. Jalgoan.

17. Sau. Naina Rajendra Joshi,
Age: 35 years, Occ. Household,
R/o. Opp. Tayade Master,
Near Bajaj Dal Mill, Balgaon,
Tq. Chandur Bazar, Dist. Amravati.

18. Sau. Ushabai Ramkisan Latte,
Age: 61 years, Occu. Household,
R/o Parijat Bungalow, Karve Road, Pune.

19. Rameshwar Mohanlal Sharma,
Age: 57 years, Occ. Agriculture,
R/o Lasur Station, Tq. Gangapur,
Dist. Aurangabad.

... Respondents

Mr. A.P. Bhandari, Advocate for the petitioners.

Mr. V.R. Dhorde, Advocate for respondent no.1.

Mr. S.K. Tambe, AGP for the respondent nos. 2 to 4.

CORAM : SUNIL P. DESHMUKH, J.
DATE : 07-06-2016.

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of the parties.

2. After hearing learned counsel the position boils down to a situation wherein, it appears, applications-Exhibits 42 and 48 had been moved by the petitioners and learned counsel for the petitioners appearing in the trial court has failed to advance arguments on these exhibits.

3. In the circumstances, it is being requested that an

opportunity be let to the petitioners for hearing of Exhibits 42 and 48. Learned counsel Mr. Dhorde, appearing for respondents points out various circumstances referring to that these are tactics being adopted to delay the trial. Learned counsel for the petitioners submits that say to the application has been filed only in January 2015 and the application has been decided immediately. As such no imputation can be hurled alleging delaying the hearing.

4. Be that as it may, it appears that it would be expedient to let an opportunity to the petitioner to have hearing on their own applications subject to payment of certain costs for failure to advance arguments before the court on the stipulated date, without going into the merits of the contentions and application.

5. The impugned order is being set aside for the reason that petitioners shall get an opportunity for hearing on the applications Exhibits 42 and 48. The impugned order is set aside subject to payment of costs of Rupees Five Thousand (Rs. 5,000/-). The cost as awarded aforesaid shall be deposited within a period of two weeks from the date of receipt of the order before the concerned court. The hearing shall take place as expeditiously as possible and preferably within four weeks from the receipt of the order. The petitioner shall avail of the opportunity, or else, if occasion arises the trial court may pass appropriate orders.

6. It is made clear that this setting aside of the impugned order shall have no reflection on the merits of the applications and / or circumstances as contended on behalf of respondents.

7. Writ Petition disposed of. Rule made absolute accordingly.

(SUNIL P. DESHMUKH)
JUDGE