

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6233 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Prabhanjan Gujar for the petitioner

Mr.Surel S. Shah for the respondent nos.1 and 2

CORAM : K. K. TATED, J.

DATE : AUGUST 12, 2016

P.C.:

1 Not on board. At the request of Advocate for the petitioner, matter is taken on board for urgent order.

2 By this petition under Article 227 of the Constitution of India the Petitioner defendant no.1 to 3 and 5 to 8 challenges the order dated 31.3.2016 passed by Joint Civil Judge, Junior Division, Wai in Regular Civil Suit No.26 of 2012 (Special C.S. No.121 of 2003) rejecting petitioner's application for directing defendant no.4 to lead her evidence first.

3 The learned counsel for the plaintiff and defendant no.4 submit that they have no objection in setting aside impugned order dated 31.3.2016 and allow petitioner's application below Exhibit-

236 dated 28.3.2016.

4 Considering the submissions made by the learned counsel for the petitioner, the averments made in the Writ Petition and as advocate for respondents i.e. plaintiff and defendant no.4 have no objection to set aside the impugned order allowing application below Exhibit-236, following order is passed:

- a) Impugned order dated 31.3.2016 passed by Civil Judge, Junior Division, Wai below Exhibit-236 is set aside.
- b) Application filed by petitioner below Exhibit-236 in Regular Civil Suit No. 26 of 2012 is allowed.
- c) Writ Petition stands disposed off accordingly.

JUDGE