

*Sequeira*

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE SIDE JURISDICTION*

***WRIT PETITION NO. 9137 OF 2016***

Shri Narayan Hanumantha Rokade.

... Petitioner

Vs

Shri Arjun Keru Rokade & ors.

... Respondents.

Mr.Sachin Gite, for the Petitioner.

Mr.Satyajeet Dighe, for Respondent Nos.14 to 18, 20 and 22.

***CORAM : N.M.Jamdar, J.  
Friday, 16 September 2016.***

***P.C.:***

Heard learned counsel for Petitioners. By order dated 11 September 2015, the parties were put to notice that the Petition will be taken up for final disposal.

2. The learned counsel for the Petitioner states that all Respondents are served. The learned counsel appears for Respondent Nos.14 to 18, 20 and 22. By order dated 15 June 2015, the application filed by the Respondents-Defendants below Exhibit 44 regarding valuation of the suit filed by the Petitioner has been allowed. Apart from the merits of the rival contentions it has to be noted that while disposing of the application the learned Civil Judge, Nasik has given no reasons at all in the order which runs into nine paragraphs. In first eight paragraphs the learned Judge has reproduced rival contentions. In paragraph nine the learned Judge

mentions that he has gone through the record and the legal provisions and has directly concluded that there is substance in the contentions of the Defendants and has directed Petitioner to value the suit accordingly. This is a fit case where power of superintendence of this Court under Article 227 needs to be invoked to correct the approach of the learned Civil Judge and impress upon the learned Civil Judge the need to give reasons while disposing of such contested applications. Reasons need to be given so that the losing party understands why order is being passed against such a party and to also assist the higher courts in ascertaining whether the order is correctly passed or otherwise. In the impugned order only a conclusion is stated that there is substance in the contention of the Defendants, which is not a proper exercise of the jurisdiction vested in the learned Civil Judge. On this ground the impugned order needs to be quashed and set aside. Merely because the decision can be taken on the controversy in this Writ Petition does not mean that the original decision making is not to be undertaken by the trial Court at all.

3. In the circumstances, the impugned order dated 15 June 2015 is quashed and set aside. The application filed by the Respondents-Defendants below Exhibit 44 stands restored to file. The learned Civil Judge, Nasik will decide and dispose of the same after giving reasons. All contentions of parties on merits are kept open.

*(N.M.Jamdar, J.)*