

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3395 OF 2016
WITH
WRIT PETITION NO. 3398 OF 2016
WRIT PETITION NO. 3402 OF 2016
WRIT PETITION NO. 3442 OF 2016

HARAJI LADDABHAI PATEL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioners : Shri Kalani Pravin N.
AGP for Respondents 1 & 2 : Shri Tambe S.K.

...
CORAM : RAVINDRA V. GHUGE, J.
Dated: July 11, 2017
...

PER COURT :-

1. The petitioners are aggrieved with the impugned order dated 24.2.2016, by which, application to dispense with a notice to the State under Section 80(2) of the Civil Procedure Code ("CPC") was rejected. The petitioners contend that there was a grave urgency for seeking ex-parte ad interim orders in the suit filed by the petitioners and hence the application was moved for dispensing with the notice.

2. I have considered the submissions of the learned Advocates for the petitioners and the learned AGP on behalf of the respondents.

3. The trial Court has rejected the prayer of the petitioners for

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2 - WRIT PETITION NO. 3395 OF 2016 & ORS

dispensation of the notice. This Court has not granted any interim relief to the petitioners. Seventeen months have passed by and the petitioners submit that no such grave and emergent situation has occurred in this period.

4. Considering the above, the petitions are disposed off.

5. The petitioners shall serve a notice upon the respondents / State authorities in the pending suits, within 15 days, and shall thereafter, resort to the procedure laid down in law for the registration of their suit.

(RAVINDRA V. GHUGE, J.)

...