

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12879 OF 2017

NAGNATH MADHAVRAO REKULGE
VERSUS
SOMNATH RAMLAL WALANDE AND OTHERS

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Advocate for Petitioner : Mr Anand D Wange

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CORAM : V.K. JADHAV, J.
Dated: November 06, 2017

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PER COURT :-

1. I do not find any substance in this writ petition.
2. Aggrieved by the order passed below exh.35 in RCS No.393/2016 by the 3rd Jt. Civil Judge J.D. Nilanga, dated 24.7.2017 original plaintiff has preferred this writ petition. It appears that, initially the learned judge of the trial court has passed the order below exh.5 when the defendants did not appear in the suit though duly served and, consequently, the Court has passed an ex-parte order against the respondents-defendants. It further appears and learned counsel for the petitioner also admits that the trial court has set aside the ex-parte order and permitted the defendants to file their

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written statement/say to the suit as well as to the application exh.5. The trial court after giving an opportunity of hearing to both the parties and considering the grounds raised in the say filed to the application seeking temporary injunction vacated earlier order granting injunction in favour of the petitioner-plaintiff. I do not find any fault in the impugned order. If the petitioner-plaintiff is aggrieved by the order passed by the trial court, he may file an appeal before the District Court. Writ Petition accordingly dismissed. No costs.

(V.K. JADHAV, J.)

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