

Anand

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

WRIT PETITION NO.3083 OF 2017

Pune Jilha Krushi Utpanna Bajar Samiti	.Petitioner
Vs.	
Suresh Haribhau Kenjale (since deceased) through Lrs. & ors.	.Respondents

**WITH
WRIT PETITION NO.3084 OF 2017**

Pune Jilha Krushi Utpanna Bajar Samiti	.Petitioner
Vs.	
Kishor Vasantao Kenjale & ors	.Respondents

**WITH
WRIT PETITION NO.3085 OF 2017**

Pune Jilha Krushi Utpanna Bajar Samiti	.Petitioner
Vs.	
Meena Prabhakar Kenjale & ors.	.Respondents

**WITH
WRIT PETITION NO.3086 OF 2017**

Pune Jilha Krushi Utpanna Bajar Samiti	.Petitioner
Vs.	
Nitin Vishnushet Kenjale & ors.	.Respondents

**WITH
WRIT PETITION NO.3087 OF 2017**

Pune Jilha Krushi Utpanna Bajar Samiti	.Petitioner
Vs.	
Satish Vishnusheth Kenjale & anr.	.Respondents

**WITH
WRIT PETITION NO.3088 OF 2017**

Pune Jilha Krushi Utpanna Bajar Samiti	.Petitioner
Vs.	
Kiran Vasantrao Kenjale & ors.	.Respondents

**WITH
WRIT PETITION NO.3089 OF 2017**

Pune Jilha Krushi Utpanna Bajar Samiti	.Petitioner
Vs.	
Ramesh Vishnushet Kenjale & ors.	.Respondents

**WITH
WRIT PETITION NO.3090 OF 2017**

Pune Jilha Krushi Utpanna Bajar Samiti	.Petitioner
Vs.	
Deepak Vishnushet Kenjale & ors.	.Respondents

**WITH
WRIT PETITION NO.3091 OF 2017**

Pune Jilha Krushi Utpanna Bajar Samiti	.Petitioner
Vs.	
Kuber Vasantrao Kenjale & ors.	.Respondents

**WITH
WRIT PETITION NO.3092 OF 2017**

Pune Jilha Krushi Utpanna Bajar Samiti	.Petitioner
Vs.	
Milind Prabhakar Kenjale & ors.	.Respondents

**WITH
WRIT PETITION NO.3093 OF 2017**

Pune Jilha Krushi Utpanna Bajar Samiti	.Petitioner
Vs.	
Nalini Vasantrao Kenjale & ors.	.Respondents

Mr.M.L.Patil, Advocate, for the Petitioner in all matters
Ms M.S.Bane, AGP, for the Respondent No.2 – State

CORAM : R.G.KETKAR, J.

DATE : 14.03.2017

P.C.

. Heard Mr. Patil, learned counsel for the Petitioner and Ms Bane, learned, AGP, for the Respondent No.2 – State in all the Petitions.

2. **W.P.No.3083 of 2017** takes exception to the Order dated 28.11.2016 passed by the learned Ad-hoc District Judge-4, Pune, below Exh.61 in Land Reference Case No.196 of 1991.

3. **W.P.No.3084 of 2017** takes exception to the Order dated 28.11.2016 passed by the learned Ad-hoc District Judge-4, Pune, below Exh.61 in Land Reference Case No.190 of 1991.

4. **W.P.No.3085 of 2017** takes exception to the Order dated 28.11.2016 passed by the learned Ad-hoc District Judge-4, Pune, below Exh.57 in Land Reference Case No.197 of 1991.

5. **W.P.No.3086 of 2017** takes exception to the Order dated 25.11.2016 passed by the learned Ad-hoc District Judge-4, Pune, below

Exh.49 in Land Reference Case No.194 of 1991.

6. **W.P.No.3087 of 2017** takes exception to the Order dated 25.11.2016 passed by the learned Ad-hoc District Judge-4, Pune, below Exh.55 in Land Reference Case No.185 of 1991.

7. **W.P.No.3088 of 2017** takes exception to the Order dated 28.11.2016 passed by the learned Ad-hoc District Judge-4, Pune, below Exh.62 in Land Reference Case No.188 of 1991.

8. **W.P.No.3089 of 2017** takes exception to the Order dated 25.11.2016 passed by the learned Ad-hoc District Judge-4, Pune, below Exh.63 in Land Reference Case No.195 of 1991.

9. **W.P.No.3090 of 2017** takes exception to the Order dated 28.11.2016 passed by the learned Ad-hoc District Judge-4, Pune, below Exh.56 in Land Reference Case No.192 of 1991.

10. **W.P.No.3091 of 2017** takes exception to the Order dated 28.11.2016 passed by the learned Ad-hoc District Judge-4, Pune, below Exh.63 in Land Reference Case No.189 of 1991.

11. **W.P.No.3092 of 2017** takes exception to the Order dated 28.11.2016 passed by the learned Ad-hoc District Judge-4, Pune, below Exh.64 in Land Reference Case No.191 of 1991.

12. **W.P.No.3093 of 2017** takes exception to the Order dated 28.11.2016 passed by the learned Ad-hoc District Judge-4, Pune, below Exh.59 in Land Reference Case No.186 of 1991.

13. By these Orders, the learned District Judge allowed the Applications filed by the Respondents under Section 151 of the CPC for setting aside “No evidence order” and permitted claimants to lead evidence on the assurance of the claimants that they are ready to proceed with the matter without seeking any adjournment.

14. Mr. Patil submitted that the Applications made by the Claimants under Section 151 of the CPC were taken on board without giving notice to the Petitioner and without hearing the Petitioner, the learned District Judge allowed the Applications. In short, he submitted that the impugned Orders are passed in gross violence of principles of natural justice. Having regard to the grievances made by the Petitioner, in my opinion, appropriate remedy to the Petitioner is to file review of

the impugned Orders. The learned District Judge will be in a better position to appreciate the grievances raised by the Petitioner.

15. In view thereof, Petitions are disposed of reserving liberty to the Petitioner to file review petitions before the learned District Judge. Mr. Patil assures that within four weeks from today, he will file Review Petitions. If such Applications are made, the learned trial Judge will decide the Review Petitions on its own merits and shall not dismiss the same on the ground of limitation.

(R.G.KETKAR, J.)