

Mr. T. S. Ingale for Petitioners.
Mr. Manoj Patil for Respondents No.1 and 2.
Mr. Shriram Kulkarni a/w. Mr. Nikhil Pawar for Respondent No.3.

P.C. :

Heard Mr. Ingale, learned Counsel for petitioners, Mr. Patil, learned Counsel for respondents No.1 and 2 and Mr. Kulkarni, learned Counsel for respondent No.3 at length. Rule. Learned Counsel for respective parties waive service. Having regard to the narrow controversy raised in the Petition as also at the request and by consent of the parties, Rule is made returnable forthwith and the Petition is taken up for final hearing.

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entering into transaction with the financial institutions.

3. Matter was heard at length on 10.01.2017 and at the request of Mr. Patil, it was kept today so as to enable him to take instructions from the plaintiffs as to whether they are agreeable for setting aside the impugned orders with direction to the trial Court to decide the application exhibit-5 afresh. Mr. Patil states that he has taken instructions, both, from the plaintiffs as also instructing Advocate. Plaintiffs consent for setting aside the impugned orders. Learned Counsel for the parties state that parties agree to appear before the trial Court on 25.01.2017, and for that purpose, no fresh notice be issued to them; The learned trial Judge may thereafter fix the date as per his convenience and decide the application within 4 weeks thereafter; All contentions of the parties on merits may be kept open. Hence the following order:

- a. Impugned judgment and order dated 11.01.2016 passed by the learned 4th Joint Civil Judge, Junior Division, Sangli, below exhibit-5 in Regular Civil Suit No.116 of 2015 as also the judgment and order dated 04.10.2016 passed by the learned Principal District Judge, Sangli in Miscellaneous Civil Appeal No.35 of 2016 are set aside;
- b. Application at exhibit-5 is restored to the file of the trial Court;
- c. Parties will appear before the trial Court on 25.01.2017 and for that purpose, no fresh notice be issued to them;
- d. The learned trial Judge will fix the date as per his convenience and will decide the application within four weeks thereafter;
- e. It is clarified that there shall be no ad-interim order

pending the hearing of application at exhibit-5;

f. Grant of relief shall not be construed as an expression of merits either way;

g. The learned trial Judge will decide the application on the basis of material on record and in accordance with law, uninfluenced by the observations made in this order.

h. Parties to act on the authenticated copy of this order.

i. Rule is made absolute in the aforesaid terms with no order as to costs.

(R. G. KETKAR, J.)

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