

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

WRIT PETITION NO.10980 OF 2018

Munna Nanasaheb Shete

.. Petitioner

Vs.

Bhimvvabai Narayan Mungasekar & Ors.

.. Respondents

Mr.P.D. Pise i/by Mr.Ashok B. Tajane for the petitioner.

Mr.Prasad B. Kulkarni for the respondent no.3.

CORAM : R.D. DHANUKA, J.

DATE : 26th October 2018

P.C.:

. By this petition filed under Article 227 of the Constitution of India, the petitioner (original defendant no.2) has impugned the order dated 9th August 2018 passed by the District Judge-4, Solapur dismissing the application (Exhibit-22) inter alia praying for setting aside the order of no W.S. before the Appellate Court in Civil Appeal No.209 of 2015 arising out of the judgment and decree passed in RCS No.1008 of 2015.

2. The said appeal is preferred by the original plaintiff against the judgment and decree passed by the learned trial Judge in which the defendant no.2 filed an application for setting aside the order of no W.S. The impugned order passed by the learned trial Judge has not yet been set aside.

3. In my view, the application filed by the defendant no.2 in the said appeal for setting aside the order of no W.S. itself was not maintainable. I do not find any infirmity in the impugned order passed

by the learned trial Judge. Writ petition is devoid of merit and is accordingly dismissed. No order as to costs.

R.D. DHANUKA, J.