

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

WRIT PETITION NO. 13073 OF 2017

Sagar Narayan Veerkar & Anr.	...	Petitioners
V/s.		
Shashikant Narayan Bhootkar & Ors.	...	Respondents

**WITH
WRIT PETITION (ST.) NO. 6878 OF 2018**

Shashikant Narayan Bhootkar & Ors.	...	Petitioners
V/s.		
Sagar Narayan Veerkar & Ors.	...	Respondents

- Mr.Pradeep J. Thorat for the Petitioners in WP/13073/2017 and for the Respondents in WPST/6878/2018.
- Mr.Sugandh B. Deshmukh for the Petitioners in WPST/6878/2018 and for the Respondents in WP/13073/2017.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 6th MARCH, 2018.

P.C. :

- 1] Heard learned counsel for both the parties.
- 2] Both these Writ Petitions are challenging the common order passed by the Court of Jt. Civil Judge Junior Division Koregaon on 27th September 2017, below Exhibit-234 and 238 in Regular Civil Suit No.18 of 1984.

3] The Application at Exhibit-234 was filed by the Respondent Nos.1 to 6 to strike off the pleadings of Defendant No.1(H) & 1(I) vide Exhibit-233 and application at Exhibit-238 was filed by the same Respondents in order to pass “No W.S.” order against Defendant Nos.1(H) and 1(I), who are the present Petitioners.

4] The perusal of the order passed by the trial Court clearly goes to show that the trial Court has not at all considered as to which parts of pleadings from Exhibit-233 are to be struck off, why they should be struck off and under which provision it should be done. The entire order of the trial Court is cryptic and not giving the requisite reasons, nor does it reflect the application of mind to show that the trial Court has considered the pleadings which are to be struck off or the legal provisions under which they are to be struck off.

5] In view thereof, it has become necessary to remand the matter back to the trial Court for hearing the matter afresh on the application filed at Exhibit-234 and 238 and to decide the same in accordance with law by giving sufficient and requisite reasons.

6] Hence, both the Writ Petitions are allowed. The impugned common order passed by the trial Court below Exhibit Nos.234 and 238 stands set-aside. The matter is remanded to the trial Court for

hearing a fresh the Applications at Exhibit-234 and 238 and to decide the same in accordance with law by recording the reasons.

7] The trial Court to decide both the Applications as expeditiously as possible and within two weeks from the receipt of the copy of this order.

[DR.SHALINI PHANSALKAR-JOSHI, J.]