

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11453 OF 2018

M/s. Ish Homes Pvt. Ltd.

...Petitioner

vs.

Raju Bhatkar and Another

...Respondent

Mr. Javed Khan, for the Petitioner

Mr. Tanvir Shaikh, for the Respondent

CORAM : M. S. SONAK, J.

DATE : NOVEMBER 22, 2018

P.C.:

. After this matter was argued for some time, the learned counsel for the parties consent to disposal of this Petition by the following agreed order:-

(1) The learned counsel for the Respondent has handed a list of 74 documents which the Respondent seeks to rely in respect of his Application for setting aside the ex-parte decree. The list is taken on record and marked as "X" for the purpose of identification.

(2) The learned counsel for the Respondent makes a statement that apart from these 74 documents, the Respondent does not intend to rely upon any further documents in respect of his Application for setting aside the ex-parte decree. This

statement is accepted. It is made clear that this statement will not apply in case the ex-parte decree is ultimately set aside and main matter goes to trial.

(3) The learned counsel for Respondent No. 1 further submits that except for the documents at Sr. Nos. 44, 49 and 61 to 74, the copies of the rest of the documents have already furnished to the Petitioner. The learned counsel for the Petitioner also accepts this position.

(4) The learned counsel for the Respondent today handed over to the learned counsel for the Petitioner the copies of the documents at Sr. Nos. 44, 49 and 61 to 74, which have been duly accepted by the learned counsel for the Petitioner.

(5) The learned counsel for the Respondent also offers inspection of the original of the documents at Sr. Nos. 44, 49 and 61 to 74 to the learned counsel for the Petitioner today itself.

(6) The learned counsel for the Petitioner states that he shall avail of such inspection today itself.

2. Now that the copies of the necessary documents have been furnished to the learned counsel for the Petitioner. The Petitioner is directed to file reply to the application seeking setting

aside of the ex-parte decree in a period of 15 days from today.

3. Upon reply being filed, the learned trial Court is directed to expedite the hearing in the matter.

4. In view of the aforesaid, the reliefs applied for by the Petitioner in his application at Exhibit 5, which came to be rejected by the impugned order dated 30th August, 2018 stand worked out.

5. The Petition is accordingly disposed of in the aforesaid terms.

6. All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)