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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13865 OF 2017

Pramod S. Chavan	...Petitioner
V/s.	
Shantilal R. Oswal & Ors.	...Respondents

Mr.Manoj M. Gadkari for the Petitioner.

Mr.Pankaj J. Das for the Respondent No.1.

CORAM : R.D. DHANUKA, J.
DATE : 15TH OCTOBER, 2018.

P.C. :-

1. Learned counsel appearing for the respondent has no objection if the order dated 16th September, 2017 passed by the learned 5th Joint Civil Judge, Junior Division, Pune is set aside and the application (Exhibit – 29) filed by the petitioner is restored to file and is heard afresh. The statement is accepted.

2. The impugned order dated 16th September, 2017 passed by the learned 5th Joint Civil Judge, Junior Division, Pune in Regular Darkhast No.1060 of 2012 below Exhibit – 29 is set aside. Exhibit – 29 is restored to file.

3. Learned trial Judge is directed to decide the objections raised in Exhibit – 28 afresh without being influenced by the

observations made and the conclusion drawn in the impugned order dated 16th September, 2017 after hearing both the parties and after considering the rival submissions of both the parties and shall pass a reasoned order expeditiously. Learned Executing Court shall make an endeavor to dispose of the said application within three months from the date of communication of this order. Both the parties are directed to co-operate with each other and also with the learned Executing Court in disposing of the said Application (Exhibit – 28) expeditiously.

4. It is made clear that this Court has not expressed any views on the merits of the matter. All the contentions of both the parties on merits are kept open.

5. The writ petition is disposed of in aforesaid terms. There shall be no order as to costs.

6. All the parties as well as the Executing Court to act on the authenticated copy of this order.

Vasant
Anandrao Idhol

Digitally signed by Vasant
Anandrao Idhol
Date: 2018.10.17 17:55:10 +0530

(R.D. DHANUKA, J.)