

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 135 OF 2017****Landmark Real Estate Developers Ltd.****..... Petitioners****VERSUS****Ganpat Gopal Bhoir & Ors.****..... Respondents**

Mr.Vishal Kanade, i/b. Mr.Sanjay S.Gawde for the Petitioners.

Ms.Pooja V.Thorat, a/w. Mr.Anukul B.Seth, i/b. Mr.M.V.Thorat for the Respondent no.1.

CORAM : R.D. DHANUKA, J.**DATE : 22nd OCTOBER, 2018****P.C.**

By consent of parties, following order is passed :-

(a) Impugned order dated 19th November, 2016 passed by the learned Civil Judge, Junior Division, Karjat, District Raigad below Ex.55 in RCC No.115 of 2012 is set aside. Ex.55 filed by the original defendants no.10 is restored to file.

(b) The learned trial judge shall consider the said application (Ex.55) afresh and without being influenced by the observations made and conclusion drawn in the impugned order dated 19th November,2016.

(c) The learned trial judge shall deal with the specific objections raised by the defendant no.10 in the said

application (Ex.55) including the issue as to whether the plaintiff is required to pay any additional court fees in respect of the prayer for possession sought in prayer clause (e) of the plaint.

(d) All contentions of both the parties on the issues raised in the said application (Ex.55) are kept open.

(e) The said application below Ex.55 shall be decided expeditiously and not later than four months from the date of communication of this order to the learned trial judge.

2. Writ petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]

Kanchan
Vinod
Mayekar

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Date: 2018.10.24
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