

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12816 OF 2018

SABERABI AFJALKHAN PATHAN AND OTHERS
VERSUS
RAZZAKHAN FAZALKHAN PATHAN AND OTHERS

Advocate for Petitioners : Mr. M.H. Shaikh
h/f. Mr V.R. Dhorde.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 11.03.2019

PER COURT :

1. The petitioners are aggrieved by the order dated 07.02.2018, passed by the appellate Court, by which, MCA No. 68/2007, was allowed and delay of 1193 days caused in filing of the Regular Civil Appeal, by the defendants, has been allowed subject to costs of Rs. 3,000/-.
2. Learned counsel for the petitioners/original plaintiffs, submits on instructions that the petitioners desire to withdraw this petition.
3. Though I am permitting the petitioners to withdraw this petition, I find that the impugned order is cryptic. Merely because the opponents, barring one (opponent No. 14), may not have opposed the application, would not mean that the Court should pass an unreasoned order. Nothing would prevent the Court from

considering the relevant factors and pass a reasoned order. When material is before the Court, the impugned order ought to reflect the relevant factors emerging from the record. I, therefore, find it appropriate to record that the learned District Judge-8, Ahmednagar, Shri S.R. Navander, would ensure that well reasoned orders are passed while deciding an application or any proceedings before him.

4. The learned Registrar (Judicial) is directed to place a copy of this order before the concerned learned Judge who has passed the impugned order.

5. This petition is disposed off as withdrawn.

(RAVINDRA V. GHUGE, J.)

S.P.C.