

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7056 OF 2018

Sindhutai Lalaso Jadhav and Anr. ...Petitioners

vs.

Robert Anthonny Pinto and Anr. ...Respondents

Mr. Dilip Bodake, for the Petitioners

Mr. U.P. Warunjikar, for Respondent No. 1.

CORAM : M. S. SONAK, J.

DATE : MARCH 20, 2019

P.C.:

. Heard Mr. Bodake, learned counsel for the Petitioners and Mr. Warunjikar, learned counsel for the Respondent No. 1.

2. Mr. Bodake submits that Respondent No. 2 is also served. For the order which is proposed to be made, the presence of Respondent No. 2 is not necessary.

3. From the perusal of the impugned order, it appears that several contentions raised by and on behalf of the Petitioners being not been considered, at least the consideration, if any, is not reflected in the impugned order. On this short ground, without entering into the merits, the impugned order dated 11th April, 2018 is set aside.

4. The learned trial Judge is directed to reconsider the

application made by Respondent Nos. 1 and 2 below Exhibit 140 and to decide the same on its own merits and in accordance with law after taking into consideration the contentions of all the parties.

5. It is made clear that this Court has not adverted to the merits of the matter and therefore all contentions of all the parties are kept open for determination of the learned trial Court.

6. The learned Judge is directed to dispose of this application (Exhibit 140) as expeditiously as possible and in any case within a period of one month from the date of production of authenticated copy of this order.

7. The parties are directed to appear before the learned trial Judge on 13th April, 2019 at 11.00 a.m. and produce authenticated copy of this order.

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

(M. S. SONAK, J.)