

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.11044 OF 2013**

Vilas Gopal Dongre and Ors. ...Petitioners  
vs.  
Altaf Abdulmalik Pirani ...Respondent

Mr. Ajit Savagave, for the Petitioners  
None for the Respondent.

**CORAM : M. S. SONAK, J.**

**DATE : MARCH 18, 2019**

**ORAL JUDGMENT**

. Heard Mr. Savagave, learned counsel for the Petitioners.

2. On 29<sup>th</sup> November, 2013 this Court has made the following order:

*“1 Heard Shri Ajit Savagave, the learned counsel appearing for the Petitioners.*

*2 Issue notice to the Respondent, returnable on 16/12/2013. In addition to service of notice through Court, the advocate for the Petitioners shall serve a private notice by Registered Post A.D. and/or by Courier service and/or by hand delivery on the Respondent and shall file affidavit of service before the returnable date.*

*3 The parties are put to notice that in view of the narrow controversy involved, the above Writ Petition may be heard and disposed of finally at the stage of admission. In the meantime there would be ad-interim relief in terms of prayer clause (B).”*

3. The Respondent is duly served and affidavit of service is filed. Since the parties were put to notice that in view of the narrow controversy involved in this Petition, the Petition will be heard finally at the stage of admission.

4. Rule is granted and the same is made returnable forthwith.

5. The challenge in this Petition is to the order dated 11<sup>th</sup> October, 2013 made by the learned trial Judge struck off the defence of the Petitioners for failure to apply with the order dated 1<sup>st</sup> July, 2013 striking off the Petitioners' to answer certain interrogatories posed by the Respondent-Plaintiff.

6. By a separate order made in Writ Petition No. 6997 of 2013 the order of striking the Petitioners to answer the interrogatories has itself been set aside. Accordingly, the substratum of the impugned order dated 11<sup>th</sup> October, 2013 has disappeared. The impugned order dated 11<sup>th</sup> October, 2013 is therefore required to be set aside is hereby set aside.

7. Rule in this Petition is accordingly made absolute in terms of prayer clause (a).

8. There shall be no order as to cost.

9. The parties are directed to appear before the trial Court on 8<sup>th</sup> April, 2019 at 11.00 am and produce the authenticated copy of this order.

**(M. S. SONAK, J.)**