

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.10099 OF 2015
WITH
CA NO.8257 OF 2019 IN WP 10099 OF 2015

ANILKUMAR JINABHAI PATEL AND ANOTHER
VERSUS
KALPESH PRAVINCHANDRA VEDH AND OTHERS

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Advocate for Petitioners : Mr. P B Vikhe h/f R R Karpe
Advocate for Respondent 1 : Mr. Chaudhary V.T.

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CORAM : V.K. JADHAV, J.
Dated: February 21, 2020

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PER COURT :-

1. Learned counsel appearing for respondent no.1/original plaintiff submits that the Trial Court has passed 'No WS' order as against the petitioners, who are the original defendant nos.4 and 5 in the suit on 9.2.2015 and against the said order, the petitioner/original defendant nos. 4 and 5 filed this writ petition instead of filing any application before the Trial Court for setting aside the 'No WS' order. Learned counsel, on instructions, further submits that respondent no.1/original plaintiff has no objection, if Written Statement of the petitioner/original defendant

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nos.4 and 5 is accepted if it is filed within two weeks from the date of this order.

2. Learned counsel for the petitioners submits that written statement would be filed within a period of TWO WEEKS from today before the Trial Court.

3. Learned counsel appearing for respondent no.1 further submits that because of the interim relief, further proceedings in the suit are stayed right from the year 2015. Respondent/plaintiff is at liberty to file an application before the Trial Court for expeditious hearing of the suit, and upon filing of the said application, the trial court may consider the same.

4. In view of the above, I proceed to pass the following order.

ORDER

- I. Writ petition is hereby allowed.
- II. The impugned order dated 9.2.2015 passed by the Civil Judge Junior Division, Jalgaon in Regular Civil Suit No.428 of 2014 is hereby quashed and set aside.

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- III. The petitioners/original defendant nos.4 and 5 are permitted to file their written statement before the Trial Court within a period of two weeks from the date of this order.
- IV. Writ Petition is accordingly disposed off.
- V. Civil application filed for bringing the L.Rs. of deceased respondent no.3 stands disposed off. The petitioners are permitted to delete name of respondent no.3 from the array of the respondents. Deletion be carried out forthwith. Civil application accordingly disposed off.

(V.K. JADHAV, J.)

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