

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 WRIT PETITION NO.11276 OF 2019
WITH WP/11282/2019

RADHESHAM CHANDANLAL JAISWAL AND OTHERS
VERSUS
MUNICIPAL CORPORATION THROUGH ITS COMMISSIONER

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Advocate for Petitioners : Mr. Patni Pramod F.
Advocate for Respondent : Mr. A. P. Bhandari

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CORAM : V. K. JADHAV, J.
DATED : 27th JANUARY, 2020

PER COURT:-

1. Heard both sides.
2. It appears that the respondent Corporation has filed an application under Order 7 Rule 11 of C.P.C. and the said application is still pending before the trial court. During pendency of the said application and after filing say to the said application, the petitioners/original plaintiffs have filed the application Exhibit 21 under Order 11 Rule 12 of C.P.C. Learned Judge of the trial court has made certain observations in para no. 6 of the impugned order. However, these Writ Petitions can be disposed of by granting liberty to the petitioners/original plaintiffs to file such an

application under Order 11 Rule 12 of C.P.C. after the application Exhibit 17 filed by the other side i.e. by Municipal Corporation, Aurangabad under Order 7 Rule 11 of C.P.C. is decided. So far as the observations made by the trial court in para 6 of the impugned order are concerned, the same shall be kept redundant and in case, if the order is passed in favour of the petitioners pursuant to the application filed by the other side under Order 7 Rule 11 of C.P.C., the petitioners/plaintiffs would be at liberty to file an application under Order 11 Rule 12 of C.P.C. and the trial court shall pass the order afresh after giving opportunity of being heard to both sides. Order accordingly. By keeping all points open, both the Writ Petitions are disposed off.

(V. K. JADHAV, J.)

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