

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

1030 WRIT PETITION NO.14301 OF 2019

FATIMA KHAMIZ BIN SAEED AND OTHERS
VERSUS
HADIYA AMIR SALAM BIN MUBARAK THROUGH HER GPA
GHAZI AMER BIN MUBARAK AND OTHERS

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Advocate for Petitioners : Mr. A.T.Shaikh h/f Mr. A.T.Patel.
Advocate for Respondent No.1 : Mr. Mohammed Imran Ahmed.
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CORAM : V. K. JADHAV, J.
DATE : 13.03.2020

PER COURT :-

1. Heard. Notice is not required to be issued to respondent Nos.2 to 10F, who are the original defendant Nos.5 to 13-F
2. By consent, heard both the sides finally at admission stage. By order dated 27.11.2019, this Court has considered that this Writ Petition is only to the extent of evidence closing order dated 14.08.2019. The learned counsel for the respondents-original plaintiffs though vehemently submitted that the petitioners have not filed any application for setting aside the said evidence closing order dated 14.08.2019 before the Trial Court, however, as observed by this Court in

paragraph No.6 of the order dated 27.11.2019, the Writ Petition came to be filed on 07.10.2010 i.e. within a short span.

3. Thus, considering the entire aspect of the case, by exercising the writ jurisdiction, I am inclined to set aside the order dated 14.08.2019, on certain conditions. Hence, I proceed to pass the following order :

ORDER

- (i) The Writ Petition is hereby allowed.
- (ii) The impugned order dated 14.08.2019, passed below Exh.1 is hereby quashed and set aside subject to costs of Rs.20,000/- (Rupees Twenty Thousand only).
- (iii) In terms of the order dated 28.02.2020, the petitioners have deposited Rs.20,000/- (Rupees Twenty Thousand only) before this Court. The said amount shall be transferred to the Trial Court and the Trial Court shall pay the amount to the respondents-plaintiffs.

- (iv) Writ Petition is accordingly disposed off.
- (v) The Trial Court shall dispose off the suit, as expeditiously as possible.

(V. K. JADHAV, J.)

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vmk/-