

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

WRIT PETITION NO.2584 OF 2021

Babita w/o Shivaji Mitalkar

Petitioner

Versus

Ananda s/o Vyankaya Raherkar
and another

Respondents

Mr.Ashish B. Shinde, advocate for the Petitioner.

CORAM : V.K.JADHAV, J.

DATE : 09th February, 2021.

PC :

1 Heard.

2 Though the learned Counsel for the petitioner - original plaintiff has vehemently submitted that after a gap of almost eight years the trial Court has set aside the *ex parte* order passed against the respondents herein, however, the suit is for partition and separate possession and respondent no.1 herein, who is 70 years of age, is the father and respondent no.2 - original defendant no.3, is the step brother.

3 The suit is of the year 2011 but the trial is not yet commenced. In view of the same, I am not inclined to interfere in

the order passed by the trial Court.

4 Hence, the following order:

(i) Writ Petition is hereby dismissed.

(ii) The petitioner is at liberty to file an application for expeditious hearing of the suit and upon filing of such application, the trial Court may consider it.

(V.K.JADHAV)
JUDGE

adb