

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7051 OF 2020

Gajanan S/o Ramdas Chaudhari

Petitioner

Versus

Nilkanth S/o Shivdas Chaudhari & others
Respondents

Mr. K.S. Sant, Advocate for the petitioner.

Mr. A.V. Indrale Patil, Advocate holding for Mr. Arvind Gaddime,
Advocate for respondents No. 1, 2, 4 and 7.

CORAM : M.G. SEWLIKAR, J.

DATE : 6th August, 2021.

PER COURT :

1. Heard Shri Sant, learned counsel for the petitioner and learned counsel Shri Indrale Patil holding for Shri Gaddime, learned counsel for respondents No. 1, 2, 4 and 7.

2. Learned counsel Shri Sant submits that it was mutually agreed between the parties that they will not proceed with application Exhibit 5 pending before the learned trial Court. Subsequently, it transpired that respondent No. 1 published an advertisement about sale of the disputed properties. Therefore, petitioner moved an

application before the trial Court for hearing on application Exhibit 5. Learned trial Court rejected the application on the ground that respondent did not file say and the SOP does not permit adverse order being passed in the absence of the parties.

3. Learned counsel for both the parties submit that learned trial Court can be directed to dispose of application Exhibit 5 within the time frame.

4. In view of this, learned trial Court is directed to decide application Exhibit 5 in Special Civil Suit No. 31/2019 within two months and in any case within four months from the date of receipt of the writ. In the meanwhile, respondents are restrained from selling the suit properties.

5. In view of above, writ petition stands disposed of.

(M. G. SEWLIKAR)
Judge