

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12333 OF 2016

Gulab Mahadu Phulavade Petitioner

Vs.

Deepak Alias Dilip Vitthal Phulavade Respondents
& Ors.

Mr. Vaibhav P. Patankar for Petitioner

Coram : NITIN W. SAMBRE, J.

Date : 9TH AUGUST, 2021

P.C.:

1. The contention of the learned counsel appearing for the Petitioner/defendant are, suit being Regular Civil Suit No. 146 of 2007 is still pending adjudication, which is for declaration and injunction is pending at the stage of cross-examination of the Plaintiff. The said statement, which is made on instructions is accepted.

2. In the aforesaid backdrop, an order impugned passed below Exhibit 64 is modified. It is clarified that it shall be open for the

Petitioner / Defendant to move before the Court of Civil Judge, Senior Division, Junnar for setting aside No Cross order. If such application is made, the Court shall deal with the same in accordance with law.

3. The Petition stands disposed of.

(NITIN W. SAMBRE, J.)