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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6008 OF 2022

Shyamsunder Radheshyam Agarwal

.. Petitioner

Versus

Sanjay Punamia And Anr.

.. Respondents

-
- Mr. Sharan Jagtiani i/b. Mr. Pavan Patil, for the Petitioner
 - Mr. Rohaan Cama, a/w. Ms. Mahalakshmi Ganapathy & Sawani Vaze for the Respondent No.1.
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CORAM : MILIND N. JADHAV, J.

**DATE : MAY 10, 2022
(Vacation Court)**

P.C.:

1. Heard.

2. The present petition takes exception to the order dated 29th April, 2022 passed by the learned Civil Judge Senior Division at Thane. Mr. Cama, learned counsel appearing for the Respondent No.1 submits that the statutory appeal against the aforesaid order has been filed before the Civil Judge Senior Division and is pending hearing.

3. Heard Mr. Jagtiani, learned Senior Advocate appearing for the Petitioner. He submits that the impugned order dated 29th April, 2022 makes reference to the Petitioner, without the Petitioner being impleaded as a party in Civil Suit No. 304 of 2022. At this stage, Mr. Cama submits that the Petitioner shall be impleaded as a party defendant in the said suit by the Respondent No.1.

4. In view of the above, the learned Trial Court is directed to dispose of the proceeding under Exhibits '5' and '13' finally within a period of 4 weeks from today upon impleadment of the Petitioner. Petitioner is permitted to file his reply in the said suit within a period of 2 weeks from today and Respondent No.1 shall file his rejoinder within a period of 2 weeks thereafter.

5. In view of the above directions, the learned Trial Court shall not be in any observations in the impugned order dated 29th April, 2022. All contentions of the parties are expressly kept open. This court had not opined the correctness of the impugned order dated 29th April, 2022. In the light of this, the statutory appeal filed by the Petitioner against the impugned order shall be withdrawn.

6. In view of the above directions, Writ Petition stands disposed of.

[MILIND N. JADHAV, J.]