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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8600 OF 2017**

SHRI. SWAPNIL SUDHAKAR SALOKHEPetitioner

V/s

SHRI. SANDIP BHIMGONDA PATILRespondent.

Mr. Anand S. Patil for the Petitioner

Mr. Ramdas A. Shelke for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: JANUARY 12, 2022

P.C.:-

1] By the order impugned passed below Exhibit-20, Application to set aside ex parte order dated October 7, 2016 came to be rejected by the Court of 2nd Jt. Civil Judge, Senior Division, Sangli.

2] In my opinion, the order impugned does not call for any interference in extraordinary jurisdiction for the following reasons viz (a) chance was given to the Petitioner to show his bonafides to deposit the amount claimed in Summary Suit No.13 of 2015, (b) Counsel for the Petitioner has shown inability to make any statement on the issue of deposit of the amount, (c) fact remains that suit summons was served on the Petitioner as is apparent from service report of the Bailiff and hence affidavit sworn by mother of the Petitioner that he was not residing at the place where summons was offered or sought to be served for more than two years cannot be

accepted.

3] Considering the Scheme of Order XXXVII Rule 3, in my opinion, the order impugned is will tuned with the said provision. Hence, no case for interference in extraordinary jurisdiction is made out. Petition as such fails and same stands dismissed.

(NITIN W. SAMBRE, J.)