

Anand

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

**WRIT PETITION 7210 OF 2012
WITH
INTERIM APPLICATION (ST) 3054 OF 2021
IN
WRIT PETITION 7210 OF 2012**

Pranjeewan D. Rawal .Petitioners/
(Since deceased through Lrs.) & ors. Applicants

Vs.

Kanwar Ajitsingh Deol .Respondents
(Since deceased through Lrs.) & ors.

Mr. Chintamani Bhangoji, Advocate, for the Petitioners /
Applicants
Mr. K. P. Mishra i/b. K. P. Tiwari & Co., Advocate, for the
Respondent 1

CORAM : ROHIT B. DEO, J.

DATE : 28.07.2022

P. C.

. The challenge is to the Order dated 18.06.2012 rendered by the learned Civil Judge, Senior Division, Thane ('trial Judge'), whereby the Application (Exh. 38) preferred by the Respondents 3 & 4 in the present Petition, for impleadment, is allowed.

2. The order impugned reads thus :-

“Heard the Ld. Advocate for the applicant.

The Plaintiff absent when called out since beginning the plaintiff is not hearing on this application though this application is pending since 10/7/2010. Thus considerable Delay has been condoned Ld. Advocate for the Plaintiff also absent & further to the court since 11.00 to 4.35. Hence considering the right of the applicants & non-appearance of the plaintiff to avoid further Delay this application is allowed.”

3. The short submission of the learned counsel for the Petitioners - original Plaintiffs is that the order impugned is unreasoned.

4. The order impugned is indeed unreasoned.

5. I have no option but to set aside the order impugned and to remit the matter to the learned trial Judge with a request that the Application (Exh.38) be decided afresh after hearing the parties and reasons in support of the ultimate conclusion be recorded.

6. The Petition is disposed of in the aforesaid terms.

7. In view of disposal of Writ Petition 7210 of 2012, the Interim Application (ST) 3054 OF 2021 does not survive and the same stands disposed of.

(ROHIT B. DEO, J.)