

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5047 OF 2017

Jaipal Raghunath Kamble

Petitioner

Versus

Sou. Charushila Udhav Kamble And Others

Respondents

Mr. R.V. Gore, Advocate for the petitioner.

Mr. V.D. Gunale, Advocate for respondent No. 1.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 31st AUGUST, 2023

ORDER :

1. Respondent No. 1/plaintiff at the fag end of trial filed application Exhibit-350 seeking permission of the Court to withdraw the suit with liberty to file fresh suit. Said application is allowed without hearing the parties by the impugned order passed by learned Civil Judge, Senior Division, Nilanga, below Exhibit-1 in Regular Civil Suit No. 302/2007.

2. Heard the learned advocate for the petitioner and learned advocate for respondent No. 1. Perused the memo of writ petition, annexures thereto and the impugned order.

3. Since, the impugned order is passed without giving opportunity of hearing to the defendant, same is liable to be

quashed and set aside. Writ petition is therefore allowed.

4. Impugned order dated 19.01.2017, passed by learned Civil Judge, Senior Division, Nilanga, below Exhibit-1 in Regular Civil Suit No. 302/2007, is hereby quashed and set aside.

5. Trial Court shall give opportunity of hearing to the defendant on application Exhibit-350 and decide the same within eight weeks from the date of receipt of writ of this order.

[NITIN B. SURYAWANSHI, J.]