

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

63 WRIT PETITION NO. 5058 OF 2004

1. VASANTRAO DHONDIBA BHAVTHANKAR
2. VIVEK VASANTRAO BHAVTHANKAR

VERSUS

1. BALASAHEB SAKHARAM CHATE
2. BHASKAR SAKHARAM CHATE
3. VILAS SAKHARAM CHATE
4. RAJARAM APPARAO CHATE
5. CHIEF OFFICER, MUNICIPAL COUNCIL, AMBAJOGAI

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Advocate for Petitioner : Mr. S.M. Kulkarni
h/f. Mr. Ashok A. Munde

Advocate for Respondent Nos. 1 to 4 : Mr. I.D. Maniyar

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CORAM : SHAILESH P. BRAHME, J.

DATE : 11th DECEMBER, 2023

PER COURT :

1. Heard this matter finally with the consent of the litigating sides.
2. The suit of RCS No. 38 of 2001, has been stayed by the interim orders passed in this petition.
3. It is the settled position of law normally application under Order XXVI Rule 9 of Code of Civil Procedure, is entertainable after commencement of the trial.

4. In view of above, it is desirable to dispose of this petition by granting liberty to the parties to take recourse of Order XXVI Rule 9 of CPC after commencement of trial.

5. The writ petition is disposed of with a liberty to the parties to take recourse of Order XXVI Rule 9 of CPC, after commencement of trial, if so required.

6. Learned Judge shall make an endeavour to decide the suit finally within a period of eight months from today.

[SHAILESH P. BRAHME, J.]