

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9252 OF 2017

Jyoti Ramkishan Shinde

Petitioner

Versus

Gandharibai Abarao Shinde And Others

Respondents

Mr. A.T. Jadhavar, Advocate for the petitioner.

Mr Milind Patil Beedkar, Advocate for respondent No. 1.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 7th SEPTEMBER, 2023

ORDER :

1. This petition impugns the order passed by learned 3rd Joint Civil Judge, Senior Division, Parbhani, below Exhibit-28 in Special Civil Suit No. 32/2016, thereby allowing the application filed by respondents/plaintiffs, under Order 18 Rule 1 of CPC and directing the petitioner/defendant to lead evidence first.

2. Having heard the learned advocate for the petitioner and learned advocate for Respondent No. 1 and since the order impugned in the present petition is passed without hearing the petitioner/defendant, this Court is inclined to allow the writ petition.

3. In the result, writ petition is allowed.
4. Impugned order dated 03.05.2017, passed by learned 3rd Joint Civil Judge, Senior Division, Parbhani, below Exhibit-28 in Special Civil Suit No. 32/2016, is hereby quashed and set aside.
5. Trial Court shall consider application Exhibit-28, on its own merits, after hearing the parties.

[NITIN B. SURYAWANSHI, J.]