

SA Pathan

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

WRIT PETITION NO.15053 OF 2022

Haresh Sohanraj Jain ... Petitioner
V/s.
Badrinath R B ... Respondent

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WITH

WRIT PETITION NO.5587 OF 2023

Haresh Sohanraj Jain ... Petitioner
V/s.
Kusum A Malur ... Respondent

Mr. Bharat Joshi, for petitioner in both the writ petitions.

Mr. Kishore Shriyan, for respondent in both the writ petitions.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 16, 2023

P.C.:

1. In the both writ petitions, the Trial Court has set aside ex parte decree in a summary suit.
2. It appears that there is doubt about service of summons on the defendant. The Trial Court, therefore, rightly exercised the jurisdiction of recalling ex parte decree.
3. Learned Advocate for the respondents states that the respondent has deposited decretal amount in the Trial Court. This

statement is accepted.

4. In view of deposited of decretal amount in the Trial Court, no interference in the impugned judgment is called for.
5. The writ petitions are, therefore, dismissed. No costs.

(AMIT BORKAR, J.)