

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.16648 OF 2023
IN
WRIT PETITION NO. 6747 OF 2023

M/S. Raut Accident And
Fracture Hospital Thr.
Balasaheb Janardhan Raut ... Applicants

V/S.

District Deputy Registrar Of
Co-Op Soc. Pune And Ors ... Respondents.

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Mr. Pranil Sonawane a/w. Ms.Varsha Rajput a/w. Mr.Raj Chaurasia
for the Applicants.
Mr. Abhijit Kulkarni a/w. Mr.Chinmay Patil and Chetan Chavan for
Respondent No. 3.
Mr. N.K.Rajpurohit AGP for State-Respondent .

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**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 6 December 2023.

P.C. :

The interim application is seeking restoration of the ad-
interim order which was vacated by order dated 3 October 2023,
which reads thus,

*“ Again request for adjournment is made by the
Petitioner on the ground that arguing counsel is not*

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available.

2 *Since from 18 August 2023, the Respondents are taking objection on alternate remedy and continuation of ad-interim order. The ad-interim order was passed in favour of the Petitioner who later on changed his advocate. Even the new advocate was given time. The matter was kept till today by order dated 25 September 2023 which reads thus:*

*“ Request is made on behalf of learned counsel for the Petitioner for adjournment. Stand over to **3 October 2023.***

2 *Ad-interim order to continue till next date. However, it will not be automatically extended, unless the Petitioner argues and justify extension, if that eventuality arises.”*

We had specifically made it clear that the ad-interim order will continue till today and it will not be automatically extended, unless the Petitioner argues and justify extension. In spite of this order, the advocate stated to be arguing the Petition is not present and a request is made on his behalf for accommodation. We disapprove of this conduct.

3 *Stand over to 31 October 2023.*

4 *The ad-interim order stands vacated.”*

2 Order dated 3 October 2023 gives details as to in which circumstances the ad-interim order was vacated, referring to the default of the Petitioner and also the order dated 25 September 2023 putting the Petitioner to notice that ad-interim order will not be continued unless it is argued, yet it was not argued. There is no

justification for three advocates whose appearance is shown not to argue the matter. We find no reason to entertain this application.

3 Interim application is rejected.

4 Place the Petition on board on its assigned date.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)