



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

**904 WRIT PETITION NO. 3597 OF 2024**

**DILIP JAGANNATH BAYAD**

**VERSUS**

**ASHOK BANSILAL BORA AND ANOTHER**

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Advocate for the petitioner : Adv.S.V.Natu  
Advocate for Respondent no.1 : Adv.S.S.Bora

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**CORAM : ARUN R. PEDNEKER, J.**

**DATE : 26.04.2024**

**P.C. :**

1] By way of present writ petition, the petitioner is challenging the impugned order dated 16.02.2024 passed by the 8<sup>th</sup> Joint Civil Judge Senior Division, Ahmednagar below Exh.23 in Special Civil Suit No.65/2021.

2] The petitioner filed Special Civil Suit No.65 of 2021 for specific performance of agreement dated 30.12.2020 and other ancillary reliefs against the respondents. The petitioner also filed an application below Exh. 5 for ad-interim injunction in the said suit. Thereafter, the respondents filed their written statement. Initially, the

petitioner filed photo-copy of the agreement dated 30.12.2020 on record and later-on produced the original deed before the trial Court vide Exh.48. Thereafter the petitioner filed an application below Exh. 23 for impounding the agreement dated 30.12.2020. By order dated 26.07.2023, the trial Court rejected the said application for want of prosecution. However, the petitioner filed Writ Petition No.12437 of 2023 before this Court, challenging the order dated 26.07.2023. By order dated 07.11.2023, this Court allowed the Writ Petition and set aside the order dated 26.07.2023 and directed the trial Court to dispose of the suit expeditiously within a period of one year. By the impugned order dated 16.02.2024, the trial Court rejected the application below Exh. 23. Against the said order, the present writ petition is filed.

3]           The learned counsel for the petitioner submits that the application filed by the petitioner for impounding the document is rejected by the trial Court only on the ground that the document produced by the petitioner

before the trial Court is of different date. The learned counsel for the petitioner submits that thereafter pleadings are amended and in view of the same, he seeks leave to file fresh application in terms of the amended pleadings.

4] The learned counsel for the respondents has not disputed about the amended pleadings.

5] In view of the same, the impugned order dated 16.02.2024 passed by the 8<sup>th</sup> Joint Civil Judge Senior Division, Ahmednagar below Exh.23 in Special Civil Suit No.65/2021 is quashed and set aside. Liberty is granted to the petitioner to move fresh application in terms of amended pleadings. If application is filed by the petitioner, the trial Court to decide the same in accordance with law without being influenced by any of the earlier order or by the present order.

6] Writ Petition is disposed of accordingly.

**[ARUN R. PEDNEKER]**  
**JUDGE**