



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

WRIT PETITION NO. 13260 OF 2022

Chaganbai Yadavrao Pawar And Another
VERSUS
Adarsh Raju Pawar And Others

**WITH CIVIL APPLICATION NO. 8680 OF 2023
IN WP/13260/2022**

Adarsh Raju Pawar And Another
VERSUS
Chaganbai Yadavrao Pawar And Others

Mr. M. M. Patil (Beedkar), Advocate for petitioners
Mr. S. S. Khoche, Advocate for respondent No.3

CORAM : R. M. JOSHI, J.

DATE : 14th DECEMBER, 2024

PER COURT :-

1. Learned counsel for both sides were heard for some time.
2. During the course of hearing it is revealed that while passing impugned order, present petitioners were not heard. Since there is a breach of principles of natural justice, it is appropriate that the impugned order is set aside and the Misc. Civil Appeal No. 26/2022 be relegated back to the trial Court for decision on Exh. 5 afresh.
3. Record indicates that this Court by order dated 04.01.2023 has stayed the order passed by Appellate Court qua Petitioners herein

the said order be continued for a period of three months and trial Court is directed to decide application Exhibit 5 within a period of three months from today after giving an opportunity of hearing for both sides.

4. Petition is disposed of in above terms.

5. Pending Civil Applications stands disposed of.

6. Needless to say that all contentions of rival parties are kept open.

(R. M. JOSHI, J.)

bsj