

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4056 OF 2024

Sadbhav Engineering Ltd & Ors.

.. Petitioners

Versus

Suwarna Buildcon Private Ltd & Ors.

.. Respondents

.....

- Mr. Pankaj Savant, Senior Advocate a/w Mr. Arjun Savant and Mr. Parv Gupta i/by Ms. Disha Parekh for Petitioners
- Mr. Sachin K. Hande for Respondent No. 1
- Mr. Prasad Mane a/w Ms. Hita Chandarana i/by Desai & Diwanji for Respondent No. 2

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 01, 2024

P. C.:

1. Heard Mr. Savant, learned Senior Advocate for Petitioners; Mr. Hande, learned Advocate for Respondent No. 1 and Mr. Mane, learned Advocate for Respondent No. 2.

2. Present Writ Petition takes exception to the order dated 19.01.2023 passed by learned District Court, Pune below Exh. 1 in Commercial Suit No. 3 of 2023. The said order is a handwritten order which I find at page No. 124 of the Petition. By virtue of the said order, Defendant Nos. 1,2,3 & 7 though served with suit summons remained absent when the Suit was called out for hearing and therefore it was directed by the Court to proceed with the matter exparte against them. Application for setting aside the exparte order

was under O. IX, R. 7 of the CPC has been immediately filed on 06.02.2023. Mr. Hande, learned Advocate for Respondent No. 1 would submit that the said Application is pending before the learned District Court. Mr. Savant, learned Advocate for Petitioners confirms the same.

3. Present Writ Petition can be disposed of in view of the alternate relied prayed for by the Petitioners in prayer clause (b). Hence, learned District Court is directed to determine and decide Misc. Application which is at Exh. G, page Nos. 126-129 filed for setting aside exparte order dated 19.01.2023 under O. IX, R. 7 of the CPC dated 06.02.2023 within a period of four weeks from today after hearing both the sides and pass appropriate orders strictly in accordance with law.

4. With the above direction, Writ Petition is allowed and disposed.

[MILIND N. JADHAV, J.]

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by RAVINDRA
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