

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13663 OF 2022

Shamrao Dadu Nigde and Ors.

.. Petitioners

Versus

Madhukar Dadu Nigde and Ors.

.. Respondents

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- Mr. Niranjan Bhavake i./by Bhavake and Associate, Advocate for Petitioners.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 20, 2024

P.C.:

- 1.** Heard Mr. Bhavake, learned Advocate for Petitioners.
- 2.** The order impugned in the present Writ Petition dated 15.03.2022 below Exhibit-39 in Special Civil Suit No.313 of 2021 is in fact an affirmative order passed by the learned Trial Court while deciding the Application under Order VII Rule 11 of the Civil Procedure Code, 1908 (for short '**CPC**') in favour of the Defendants.
- 3.** By this I mean that all contentions of the Defendants have been directed to be kept open and all issues raised by the Plaintiff would be considered by the Trial Court at the time of framing of issues as stated in the order.
- 4.** Needless to state that the grounds on which the said Application has been filed i.e. for non-joinder of the parties will be framed by the Trial Court appropriately and strictly in accordance with

law keeping all contentions of the parties open.

5. In that view of the matter, the impugned order dated 15.03.2022 stands sustained with the aforesaid directions and the Writ Petition is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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