

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.17908 OF 2023
WITH
INTERIM APPLICATION NO.17909 OF 2023
IN
WRIT PETITION NO.8311 OF 2022**

Pradeep Maruti Jadhav	...Applicant
Versus	
Shubhada Pradeep Jadhav	... Respondent

Mr. Zaid A. Qureshi for Applicant in IA/17908/2023.

Mr. R. N. Kachave for Applicant in IA/17909/2023.

Mr. Vaibhav Gaikwad i/b. Raviraj Paramane a/w. Shubham Singh
for Respondent in both Interim Applications.

Mr. Pradeep Maruti Jadhav applicant present.

CORAM : RAJESH S. PATIL, J.

DATED : 17 JANUARY 2024

P.C.:

1. Mr. R. N. Kachave on instructions of his client, the applicant, submits that by an order dated 2 May 2023, the Writ Petition was disposed of, as nobody appeared for the Petitioners. Mr. Kachave further submits he has filed Interim Application No.17909 of 2023 for recalling the order dated 2 May 2023 passed in Writ Petition No.8311 of 2022. Mr. Kachave further submits that he was not aware that earlier Interim Application No.17908 of 2023 was filed by the earlier advocate appearing for the Petitioner in the said Writ Petition.

2. Mr. Kachave on instructions of his client who is present in the Court submits that he is not pressing Interim Application No.17909 of 2023, as an earlier Interim Application No.17908 of 2023 seeking similar kind of prayers, is pending for admission.

3. The Interim Application No.17909 of 2023 is disposed of as it is not pressed.

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4. As regards the Interim Application No.17908 of 2023, Mr. Kachave on instructions of his client submits that the exparte order passed on 2 May 2023, be set aside and the matter be heard on merits. As the same is passed on merits without hearing of the Petitioner.

4. Mr. Kachave submits that his client is ready to deposit the outstanding amount within a period of two months from today. Mr. Zaid Qureshi informs this Court that he has already handed over his “No Objection” on Vakalatnama of Mr. Kachave. Mr. Kachave undertakes to file his Vakalatnama in Interim Application NO.17908 of 2023, within one week from today.

5. Mr. Gaikwad appearing for Respondent submits that the order dated 2 May 2022 should not be set aside, however, he submits that if Applicant is ready to deposit the entire outstanding amount within a short time in this Court, then his client be permitted to withdraw the amount deposited by the Applicant.

6. I have heard both sides and I have gone through the contents of the application. I am satisfied that the Applicant has

made out a case to allow Interim Application No.17908 of 2023. Hence, Application is allowed in terms of prayer clause 5 (a). The prayer clause 5 (a) reads as under :-

“This Hon’ble High Court may be pleased to recall the order dated 02/05/2023 in Writ Petition No.8311 of 2022 as the Petitioner was never heard;”

7. The Interim Application No. 17908 of 2023 stands disposed of.

8. The Writ Petition No.8311 of 2022 be listed on 18 March 2024. In the meantime, parties are free to have talks of amicable settlement.

(RAJESH S. PATIL, J.)