

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16133 OF 2023

Sadbhav Engineering Ltd & Ors.

.. Petitioners

Versus

Suwarna Buildcon Private Ltd & Ors.

.. Respondents

.....

- Mr. Pankaj Savant, Senior Advocate a/w Mr. Arjun Savant, Mr. Parv Gupta, Ms. Neha Bhosale and Ms. Anuja Divadkar i/by NDB Law for Petitioner
- Mr. Sachin K. Hande for Respondent No. 1

.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 01, 2024

P. C.:

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

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. 1 of 2023. The said order is a handwritten order which I find at page No. 72 of the Petition. By virtue of the said order, Defendant Nos. 1,2,4 & 5 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. F, page No. 74 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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