

Ajay

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

WRIT PETITION NO. 1055 OF 2024

Balu Shankar Khabale	.. Petitioner
Versus	
Shankar Dnyanu Khabale and Ors.	.. Respondents

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- Mr. Bhushan Walimbe, Advocate for Petitioner.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 01, 2024.

P.C.:

- 1.** Heard Mr. Walimbe, learned Advocate for Petitioner.
- 2.** Perused the twin orders dated 17.07.2023 and 13.12.2023.
Considering the facts in the present case *qua* several properties (5 Agricultural properties and 2 plots) and construction being carried out by Defendant Nos.1 and 2 on one of the plot, which according to Mr. Walimbe is the most prime property, it is argued that Petitioner's right in the said plot will stand usurped.
- 3.** Though the Petitioner i.e. Plaintiff would have overcome the aforementioned twin concurrent orders, the only aspect that is required to be considered at this stage would be the balance of convenience and equities that would be prayed for by the parties and in that view of the matter, an arguable case has been made out by Mr.

Walimbe for issuance of notice.

- 4.** Issue notice to the Respondents. Humdast permitted.
- 5.** In addition to Court notice, Petitioner is permitted to serve a copy of the Petition and this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.
- 6.** Respondents are directed to remain present in Court on the next adjourned date either by themselves or through Advocates.
- 7.** Respondents are directed to file their Affidavit-in-Reply on or before the next date, if so desired.
- 8.** It is clarified that, this Writ Petition shall be disposed of on the next adjourned date at the stage of admission itself.
- 9.** Stand over to **20th February, 2024.**

[MILIND N. JADHAV, J.]

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