

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2930 OF 2024

Suresh Yellappa Kurhade and Ors. .. Petitioners
Versus
Chandu Laxman Chavan and Ors. .. Respondents

WITH
WRIT PETITION NO.2931 OF 2024

Suresh Yellappa Kurhade and Ors. .. Petitioners
Versus
Shubhangi Jadhav and Ors. .. Respondents

WITH
WRIT PETITION NO.3001 OF 2024

Suresh Yellappa Kurhade and Ors. .. Petitioners
Versus
Surekha Laxman Chavan and Ors. .. Respondents

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- Mr. Aniesh S. Jadhav i./by R. B. Jagtap, Advocate for Petitioners in all Writ Petitions.
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CORAM : MILIND N. JADHAV, J.
DATE : JUNE 24, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Mr. Jadhav, learned Advocate for Petitioners in all Writ Petitions.
- 3.** Perused the praecipe dated 24.06.2024 and the three Writ Petitions. Perused the order dated 05.03.2024 passed by this Court.
- 4.** Pursuant to order dated 05.03.2024, the Application filed

below Order IX Rule 13 of Civil Procedure Code, 1908 (for short ‘CPC’) for seeking to set aside *ex parte* decree has still not been decided. Mr. Jadhav informs that witness action of Defendant Nos.4 and 5 in the said Application has been completed. He would inform that final arguments on the said Application are still pending.

5. The learned Judge hearing the Application filed below Order IX Rule 13 of the CPC namely Civil Judge Senior Division, Pune (11th Joint Civil Judge Senior Division, Pune) is directed to complete hearing of the Application filed below Order IX Rule 13 of CPC as expeditiously as possible and in any event within a period of four weeks from today subject to the order that has been passed therein.

6. In view of the above order, the learned Executing Court is directed to withhold the hearing in the execution proceedings for a period of four weeks from today to enable the learned Trial Court to determine the Application filed below Order IX Rule 13 of CPC and subject to that outcome, learned Executing Court is directed to proceed with the execution proceedings or otherwise thereafter.

7. In view of the above directions, nothing survives in Writ Petition No.2930 of 2024, Writ Petition No.2931 of 2024 and Writ Petition No.3001 of 2024 and hence they stand disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]