

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

WRIT PETITION NO.2931 OF 2024

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

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.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 05, 2024

P.C.:

- 1.** Heard Mr. Jadhav, learned Advocate for Petitioners.
- 2.** At the outset, Mr. Jadhav would submit that correction is required to be carried in name of Respondent No.1 in the cause title of Writ Petition No.2931 of 2024 and Writ Petition No.3001 of 2024. That correction stands allowed and permitted to be carried out by the Court. Leave to amend is granted. Amendment to be carried out forthwith. Re-verification stands dispensed with. Copy of amended cause title in the above two Writ Petitions shall be served on

Respondents.

3. Considering the timeline and facts in the present case, I have impressed upon Mr. Jadhav that the impugned order seeking stay of execution cannot be granted since it would be detrimental to the prospects of the parties altogether.

4. Mr. Jadhav would submit that if this Court expedites hearing of the Applications filed by the Plaintiffs under Order IX Rule 13 of the Code of Civil Procedure, 1908 (for short '**CPC**') which are being heard by the learned Trial Court at present and are at stage of evidence itself, it may enure to the benefit and interest of the parties.

5. Mr. Jadhav appears for original Defendant Nos.4 and 5 who have filed Application under Order IX Rule 13 of the CPC for setting aside of the *ex parte* decree passed by the Trial Court. Plaintiffs are Respondents. They have been served. They are not present before the Court despite service.

6. Mr. Jadhav would candidly inform the Court that in the Application filed below Order IX Rule 13 of the CPC, witness of the Defendant Nos.4 and 5 is under witness action at present and hence all that he would submit is to pass an appropriate order to determine the pending applications filed below Order IX Rule 13 of the CPC as expeditiously as possible.

7. Copy of this order shall be served on Plaintiffs who are

Respondents and appropriate Affidavit-of-service shall be filed by Mr. Jadhav. If Respondents choose to remain absent on the next adjourned date, this Court shall pass appropriate orders to dispose of the present Writ Petition. Respondents are directed to remain present.

8. Writ Petition No.2930 of 2024 shall be shown together alongwith Writ Petition No.2931 of 2024 and Writ Petition No.3001 of 2024 on the next adjourned date for convenience.

9. Stand over to **26th March, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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