

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3041 OF 2024

Madhukar Kisan Kadam

.. Petitioner

Versus

Vijay Jaysingh Patil

.. Respondent

-
- Mr. Nilesh Wable i/by Mr. Umesh Mankapure for Petitioner
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 8, 2024

P. C.:

1. Heard Mr. Wable, learned Advocate for Petitioner.
2. After hearing Mr. Wable and perusing the order below Exh. 5 dated 14.09.2022 passed by learned Trial Court and the order below Exh. 5 dated 12.12.2023 passed by the District Court in Misc. Civil Appeal No. 219 of 2022, when I expressed my mind to Mr. Wable, Mr. Wable after taking instructions would submit that the order dated 14.09.2022 in so far as it relates to non-alienation or creating any third party interest is concerned be continued. He would submit that in so far as the order of restraint on the Defendant not to obstruct the possession of the Plaintiff is concerned, the Defendant shall abide by the same until the decision in the suit. For this I would therefore have to hear the Respondent (Org. Defendant).

3. Hence, issue notice to the Respondent made returnable on 22.03.2024. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve copy of the Petition along with copy of this order on the Respondent and inform him 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. After receiving the notice, Respondent to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Petitioner.

4. Respondent is directed to remain present either himself or through his Advocate on the next adjourned date. It is made clear that if Respondent remains absent despite service on the next adjourned date, this Writ Petition shall be heard and disposed of at the stage of admission in the absence of the Respondent.

5. Stand over to **22nd March, 2024.**

[MILIND N. JADHAV, J.]

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Digitally signed
by RAVINDRA
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AMBERKAR
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