

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 17471 OF 2024

Jaynanda Dilip Jagtap & Anr.

.. Petitioners

Versus

Ajit Sampatrao Thorat & Ors.

.. Respondents

-
- Mr. Mahindra Deshmukh for Petitioners

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 9, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 09.08.2024.
3. Heard Mr. Deshmukh, learned Advocate for Petitioners.
4. Present Writ Petition takes exception to the order dated 18.04.2024 passed by the learned Trial Court below Exh. 148 in RCS No. 432 of 2014 whereby the Application made by the Plaintiffs (Petitioners herein) under. O. XXIII, R. 1(3) of the CPC seeking permission to withdraw the Suit for filing a fresh Suit against the Defendants (Respondents herein) and one M/s. Amay Construction came to be rejected.
5. An arguable case is made out by Mr. Deshmukh for issuance of notice and calling for reply from Respondents. Hence, issue notice to the Respondents made returnable on 20.08.2024. 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 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. After receiving the notice, Respondents to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Petitioner.

6. Respondents are directed to remain present either by themselves or through their Advocate on the next adjourned date. It is made clear that if Respondents remain 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.

7. Stand over to 20th August, 2024.

[MILIND N. JADHAV, J.]

Amberkar

RAVINDRA
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AMBERKAR

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by RAVINDRA
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Date:
2024.08.09
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