

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

Writ Petition No. 11800 of 2024

Sou. Pooja Vikas Bhokare and anr. ... Petitioners.
V/s.
Shri Rajkumar Ramdas Mane and others ... Respondents.

Mr. Akshay Kulkarni	Advocate for the Petitioners.
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CORAM : S.M. MODAK, J

DATE : 14 October 2024.

P.C. :

Heard learned Advocate Shri Kulkarni for defendant No.1. The correctness of the order dated 23 April 2021 passed by the Court of Joint Civil Judge Senior Division, Kolhapur is challenged. By the said order, trial Court directed the present petitioner to furnish security for Rs.46,80,000/-. This order was passed in purported exercise of the power under Order 38 Rule 5 of CPC.

2. There is a suit for recovery of this money. Defendant Nos.1 to 4 have agreed to sale the land of the plaintiff and accepted certain consideration. The Suit is for return of debt amount. After this order even defendant Nos.1 and 2 have applied for an opportunity of hearing. It was rejected on 5 February 2022 (Page No.60).

3. There is an application for review of the order. It was rejected on 3 November 2023 (Page-68). For this reason, the petition is filed.
4. Issue notice before admission to Respondents, returnable on **2 December 2024**. Private notice is allowed. Service affidavit be filed.
5. It is contended that now Respondent Nos.1 and 2-original plaintiffs have moved for striking of the defence of the defendants and initiating proceeding for contempt of Court order. The Petitioner is at liberty to request for adjournment before the trial Court.
6. If it is filed, the trial Court to decide it on merits.

(S.M. MODAK, J.)