

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

Writ Petition No.15391 of 2024

Dattatray Narayan Bhondve ... Petitioner
V/s.
Pimpri Chinchwad Municipal Corporation
and Others ... Respondents.

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Mr. Tejesh Dande a/w. Mr. Bharat Gadhavi	Advocate for the Petitioner
Mr. Kishor Patil i/b. Mr. Sidheshwar Biradar	Advocate for Respondent Nos.4 and 5.

CORAM : S.M. MODAK, J

DATE : 11 November 2024.

P.C. :

The matter was supposed to be listed today as per the order passed by the Vacation Court on 30 October 2024. It is not listed. Taken on Board by way of a praecipe moved on behalf of Respondent Nos.4 and 5.

2. Heard learned Counsel Mr. Tejesh Dande appearing for the Petitioner-Plaintiff and learned Advocate Mr. Patil for Respondent Nos. 4 and 5. Mr. Patil also undertakes to file Vakalatnama for Respondents Nos.6 to 16. **let it be filed till next date.**

3. In a suit filed by the petitioner there was ad-interim order passed on an application below exhibit 5. Its correctness was

challenged by Respondent Nos.4 and 5 before the appellate Court. That ad-interim order was set aside. Its correctness is challenged by the plaintiff-petitioner by way of this petition.

4. This Court on 30 October 2024 has stayed the order dated 21 September 2024 passed by the learned District Judge 15, Pune. In the meantime, the exhibit-5 application has ripe up for hearing. Pleadings are over. The issue involved in this petition is only whether the appellate Court was justified in setting aside ad-interim order passed by the trial Court during the pendency of exhibit-5 application. The scope of enquiry is limited as compared to the scope of enquiry while deciding an appeal challenging an order passed on exhibit-5 application. This Court feels that when exhibit-5 has ripe for hearing, the trial Court can go on with the hearing of exhibit-5 application and decide it on merits.

5. Let this matter be fixed for final disposal at admission stage on **25 November 2024**, First on Board.

6. Till next date, the interim relief granted on 30 October 2024 is extended.

7. The Respondents are at liberty to file affidavit-in-reply if they desire.

(S.M. MODAK, J.)