

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SATISH
RAMCHANDRA
SANGAR

WRIT PETITION NO.15391 OF 2024

Digitally signed by
SATISH RAMCHANDRA
SANGAR
Date: 2024.12.06
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1. **Dattatraya Narayan Bhondve**
Age : 70 Years, Occupation : Agriculture/Retired,
Residing at : Survey No.139/1, Ravet, Taluka
Haveli, District : Pune : 412 101.
Through his Power of Attorney Holder:-
Nandakumar Bhalchandra Bhondve
(Proprietor of M/s. N. B. Bhondve & Associates)
Age : 57 Years, Occupation Agriculture & Business,
Residing at : MIDC Pipeline Road, Ravet, ...**Petitioner**
Taluka Haveli, Pune : 412 101. **(Original Plaintiff)**

Versus

1. **Pimpri Chinchwad Municipal Corporation**
Through its Commissioner,
Office at Pimpri Chinchwad Municipal
Corporation, Main Building, Mumbai -
Pune Road, Pimpri, District : Pune : 411 018.
2. **City Engineer**
Pimpri Chinchwad Municipal Corporation,
Building Permission Department,
Office at Pimpri Chinchwad Municipal
Corporation, Main Building, Mumbai -
Pune Road, Pimpri, District : Pune : 411 018.
3. **Deputy Director**
Town Planning Department,
Office at Pimpri Chinchwad Municipal
Corporation, Main Building, Mumbai – Pune
Road, Pimpri, District : Pune : 411 018.

4. **M/s.Aurigaa Realtors**
A Partnership Firm registered under the provisions of the Partnership Act,
Having its registered Office at Roseland Residency, Commercial Building, Pimple Saudagar, Pimpri Chinchwad, Pune : 411 027.
Through its authorized partner:-
Vinod Premchand Chandwani
Age : 55 Years, Occupation : Business.
5. **Baban Namdev Bhondve**
Age : 73 Years, Occupation : Nil,
Residing at : Ravet, Taluka : Haveli,
District : Pune : 411 018
6. **Suman Baban Bhondve**
Age : 71 Years, Occupation : Agriculture,
7. **Machindra Baban Bhondve**
Age : 48 Years, Occupation : Agriculture,
8. **Urmila Machindra Bhondve**
Age : 40 Years, Occupation : Agriculture,
9. **Kumar Amey Machindra Bhondve**
Age : 17 Years, Occupation : Student,
Through his natural guardian and father:-
Machindra Baban Bhondve
10. **Kumar Arnav Machindra Bhondve**
Age : 12 Years, Occupation : Student,
Through his natural guardian and father:-
Machindra Baban Bhondve
11. **Ganesh Baban Bhondve**
Age : 45 Years, Occupation : Agriculture,
12. **Varsha Ganesh Bhondve**
Age : 36 Years, Occupation : Agriculture,

13. **Kumar Rudra Ganesh bhondve**
Age : 15 Years, Occupation : Student,
Through his natural guardian and father:-
Ganesh Baban Bhondve
14. **Kumari Shrawani Ganesh Bhondve**
Age : 15 Years, Occupation : Student,
Through his natural guardian and father:-
Ganesh Baban Bhondve
15. **Anjana Baban Bhondve**
Age : 49 Years, Occupation : Agriculture,

Respondent Nos.5 to 15,
All residing at : Ravet, Taluka : Haveli,
District : Pune : 412 101.
16. **Dipali Sanjay Kanse**
Age : 36 Years, Occupation : Housewife,
Residing at : Dapodi Gavthan, Dapodi, **...Respondents**
Taluka : Haveli, District : Pune : 411 012. **(Original Defendants)**

Mr.Tejesh Dande a/w Mr.Bharat Gadhavi, Mr.Vinayak Shelar, Mr.Vishal Navale:-	Advocates for Petitioner.
Mr.Kedar B. Dighe:-	Advocate for Respondent Nos.1 to 3–Municipal Corporation.
Mr.Kishor Patil a/w Mr.Yatin Yeole i/b. Mr.Sidheshwar Biradar:-	Advocates for Respondent Nos.4 and 5.

CORAM : S. M. MODAK, J.

DATE : 25th NOVEMBER 2024

P. C. :-

1. Heard learned Advocate Shri.Dande for the Petitioner-Plaintiff and learned Advocate Shri.Patil for the Respondent Nos.4 and 5. Read the order dated 11th November 2024. Considering the facts and circumstances, this Court has clarified that the trial Court can go on with the hearing of Exhibit-5 Application.

2. Today, learned Advocate Shri.Dande submitted that his client – Plaintiff is ready to go on with the hearing of Exhibit-5 Application on merits. He apprised the Court about the status of that Application. There is “*no say order*” passed against the Defendants. Learned Advocate Shri.Patil on the basis of instructions submitted that his clients have filed an Application for setting aside the “*no say order*” and it is pending for the reply of the Plaintiff. Mr.Dande assures to instruct his client to file a reply. Both are consenting for disposing of the Petition instead of deciding on merits and ready for hearing of Exhibit-5 by the trial Court. In view of that, the **Writ Petition is disposed of.**

3. Let, the parties to complete the pleadings on all the Applications and the trial Court to decide them. The ad-interim injunction granted by the trial Court on 7th March 2024 against Defendant Nos.1 to 3 and

Defendant Nos.4 and 5 be continued for a period of six (6) weeks from today. The trial Court to decide the Application below Exhibit-5 for temporary injunction¹ in any eventuality earlier to six (6) weeks.

4. It is made clear that the Court has not expressed any opinion on merits. The trial Court to decide it on its own merits.

[S. M. MODAK, J.]

¹ This Portion is modified