

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17559 OF 2024

Mr.Sunil Bhikaji Kanade

...Petitioner

V/s.

ASB International Private Limited and Ors.

...Respondents

Mr.Atul Damle – Senior Advocate i/b. Mr.Namdev Gore:-	Advocate for Petitioner.
--	--------------------------

CORAM : S. M. MODAK, J.

DATE : 9th DECEMBER 2024

P. C. :-

1. Heard learned Senior Advocate Shri.Damle for the Petitioner-Defendant No.3.
2. The trial Court proceeded with the suit *ex parte* against the Defendant No.3 as per the order dated 4th March 2021 (Page No.112). Copy of bailiff report is on Page No.114. The bailiff has mentioned that the Defendant No.3 refused to accept the summons. Further remarks says that in that matter, summons is served.
3. After getting knowledge, the Defendant No.3 appeared before the trial Court and filed an Application for setting aside the *ex parte*

order. As per the impugned order, the Application is rejected on 3rd September 2024. (Page No.163). That is why, present Writ Petition.

4. According to his instructions, none of the Defendants have appeared and the trial Court may proceed with the suit. The impugned order came to be passed during the pendency of the suit and yet, the suit is not decided finally.

5. Issue notice to the Respondents returnable on **5th February 2025**. Private notice, in addition, is allowed. Affidavit of service be filed.

6. The Petitioner is at liberty to inform the trial Court about the pendency of this Petition and to seek an adjournment. **The trial Court to consider it positively.**

[S. M. MODAK, J.]