



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.2845/2024
(Smt. Mehrunnia and others V Anjum Bano)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.V. Wadodkar, Advocate for the petitioners.
Mr O.W. Gupta, Advocate for respondent.

CORAM : N.R. Borkar, J.
DATE : 10-10-2024.

This petition takes exception to the order dated 23-11-2023 passed by the learned District Judge-11, Nagpur below Exhibit-7 in Regular Civil Appeal No.214/2022.

ii. The petitioner herein has filed the first appeal before the District Court against the judgment and decree dated 05-01-2015 passed by the learned trial Court in Regular Civil Suit No.530/2009.

iii. By the order impugned, the learned first Appellate Court has rejected the application filed by the petitioners under Order 41 Rule 27 of the Code of Civil Procedure (for short, "CPC").

iv. I have heard the learned Counsel for the parties.

v. It is well settled that application under Order 41 Rule 27 of the C.P.C. is to be heard at the time of final hearing of the appeal. In that view of the matter, the following order is passed.

- (a) The order impugned is set aside.
- (b) The first Appellate Court shall hear the application at Exhibit-07 along with the appeal.
- (c) The appellate Court shall endeavour to decide the appeal within a period of six months from the date of receipt of copy of this order.

vi. The petition is disposed of.

(N.R. Borkar, J.)