



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

Writ Petition (WP) No. 6442 of 2024

Ramesh Harbaji Thombre and another

Versus

Ramkisan Hajarilal Gupta and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.D.Patil, Advocate for the petitioner.

CORAM : N.R.BORKAR, J.

DATED : 25th NOVEMBER, 2024.

This petition takes exception to the order dated 4th September, 2023 passed by the Civil Judge (Senior Division), Nagpur in Special Darkhast No. 53 of 2016.

2. By the order impugned the learned Executing Court has rejected the application filed by the petitioners for framing of issues.

3. After hearing the learned counsel for the petitioners, when I was to dismiss the petition, the learned counsel for the petitioners has drawn my attention to order dated 16th February, 2019 passed by the Executing Court. By the said order, the learned

Executing Court permitted the petitioners to lead evidence in support of their objection. It is submitted that however, by the order impugned the Executing Court has fixed the application Exhibit 25 (objection) for hearing.

4. In absence of any order closing the evidence of the petitioners, the learned Executing Court shall permit the petitioners to lead the evidence in terms of order dated 16th February, 2019.

5. With the above clarification, the petition is disposed of.

[N.R.BORKAR, J.]