



9.caw.2327.2024 in wp.4812.2017.odt

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

CIVIL APPLICATION (CAW) NO. 2327 OF 2024

IN

WRIT PETITION NO. 4812 OF 2017

(Bhartesh Nanakchand Jain V/s Nilay Shrinandan Jain)

Office Notes, Office Memoranda of Coram,
Appearances, court's orders or directions and
Registrar's orders

Court's or Judge's orders

None for the Petitioner.

Mr. J. M. Gandhi, Advocate for Applicants/Legal
Representatives of Respondent.

CORAM : ANIL L. PANSARE, J.
DATE : NOVEMBER 11, 2024.

. Heard.

2. Vide order dated 24/7/2019 this Court directed the Respondent/Original Defendant to produce original Will dated 28/8/1985 on record of the Civil Suit within two months. The Respondent was, however, directed to pay costs of Rs. 5000/- to the Petitioner/Original Plaintiff. The costs was to be deposited before the trial court within two months. It was further ordered that if the Respondent/Defendant fails to deposit the costs within two months, the learned trial court shall pass appropriate orders against the Respondent/Defendant, treating it as non-compliance of the order passed by this Court.

3. The legal representatives of the Respondent/Defendant have filed the present Application seeking permission to deposit Rs. 5000/- before the trial court on the ground that

Respondent expired on 11/6/2021 and that they were not aware of the order passed by this Court. The learned Counsel for Applicants submits that the order dated 24/7/2019 was passed in absence of the Respondent, and therefore, the Respondent might not be aware of the aforesaid order.

4. When enquired whether the trial court has passed appropriate orders in terms of the directions issued by this Court, the learned Counsel appearing for legal representatives of the Respondent submits that no such order is passed.

5. It is surprising that despite a categorical direction, the trial court has not passed appropriate orders. The trial court shall file report as to why were appropriate orders not passed in terms of order dated 24/7/2019 passed by this Court. The trial court shall also examine from the record, whether original Defendant appeared before it, subsequent to order passed by this Court and had an occasion to acquire knowledge of the said order.

6. None appears for the Petitioner/Plaintiff, though served. In order to give one more opportunity, stand over in the week commencing from 25th November, 2024.

7. In the meantime, the trial court shall furnish report as stated above.

(ANIL L. PANSARE, J.)