



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4074 OF 2025

Param Developers Through Its Partners Parmeshwar
Santaram Rajbinde And Others

VERSUS

Akruti Consultancy Service Through Its Partners Avinash
Ganpatrao Solapure And Others

- Mr. V. D. Sapkal, Senior Advocate a/w Mr. A. A. Yadkikar i/by Mr. M. K. Bhosale, Advocate for the Petitioners
- Mr. N. T. Tribhuwan, Advocate for the Respondents

CORAM : R. M. JOSHI, J

DATE : MARCH 26, 2025

PER COURT :

1. Leave to amend.
2. After hearing learned Senior Counsel for the Petitioners as well as learned Counsel for Respondents, this Court has expressed a *prima facie* view that the question will arise as to whether it was open for the District Court to entertain a relief which was not made before Trial Court. This Court has also expressed that entertaining any such relief which was not sought before Trial Court will lead to denial of opportunity of Appeal against any order passed by the Court. At this stage, learned Counsel for the Respondents, on

instructions, seeks no further order on merit of the case. He concedes for setting aside the impugned orders.

3. In view of this, Petition stands allowed. impugned orders are set aside.

4. Learned Counsel for Respondents/Original Plaintiffs seeks leave to move appropriate application as provided by law before the Trial Court.

5. Leave is granted.

6. Any such application if initiated before Trial Court, it be decided within a period of a month.

(R. M. JOSHI, J.)