



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 WRIT PETITION NO. 4548 OF 2025

ANIL TIRTHRAJ SHEMBDE

VERSUS

SWATI GANESH SHEMBDE

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Advocate for the Petitioner : Mr. Lakhotiya Pawan K.

Advocate for Respondent : Mr. B.S. Dhawale

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CORAM : ARUN R. PEDNEKER, J.

Dated : August 22, 2025

PER COURT :-

1. Heard the learned counsel for the parties.
2. The learned counsel for the respondent has not objected to allow the writ petition. It is seen that the earlier writ petition was filed by the present petitioner, the respondent had objected for grant of relief and by order dated 18.09.2024 on account of concession made by the respondent No. 1/original applicant, the writ petition was allowed and the petitioner was allowed to cross examine the original applicant and no cross order was set aside. As the proceeding is of summery nature, this Court has directed to decide the said proceedings within a period of six weeks from the date of production of the order in that writ petition.
3. Thereafter, extension was sought by the trial Court and as such, six months further time was granted. During the pendency of the matter before the trial Court, the present petitioner remained absent. The learned counsel for the respondent has pointed out the order dated 17.1.2025 whereby the trial court has closed the evidence of the respondent and the court has called upon to lead the evidence to the objector/petitioner.

However, on the same day, the petitioner was absent. The learned counsel for the respondent points out the roznama dated 10.1.2025 whereby it shows that the matter was fixed for evidence of the petitioner, however, defence/petitioner's evidence was not brought till 17.1.2025 and as such, the trial Court has rightly closed the evidence of the present petitioner vide order dated 17.1.2025.

4. The learned counsel for the petitioner submits that opportunity be given to the present petitioner for leading evidence. Considering that this is the second writ petition this Court is constrained to observe that the petitioner has taken undue advantage of the leniency shown by the respondent/original applicant so as to avoid further complications. In view of the concession made by the respondent/original applicant, the impugned order is set aside and the trial Court is directed to conclude the proceeding within a period of six months from today. However, parties are put to notice that no adjournment request would be made on behalf of the parties before the trial Court. The writ petition is accordingly disposed of.

(ARUN R. PEDNEKER, J.)

ssc/