



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO. 5640 OF 2016

M/S HASHMI DISHA CONSTRUCTIONS PVT LTD THROUGH ITS PARTNER
ABDUL HASAN QHURRAM ALI HASHMI

VERSUS

ARYA HYBRID SEEDS LTD AURANGABAD AND OTHERS

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Advocate for the Petitioner : Mr. A. R. Vaidya

Advocate for Respondent Nos.2 to 7 : Mr. Pratik Bhosale a/w. Vinayak
Dahibhate h/f. Mr. A. B. Kale

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CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 30.04.2025

PER COURT :-

1. The learned counsel for the petitioner seeks permission to delete names of respondent Nos.2 to 12 from array of parties to the petition.
2. Permission is granted. The amendment be carried out forthwith.
3. The learned counsel for the petitioner as well as respondent No.1 have tendered the original document of joint *pursis* dated 30.04.2025, which is taken on record and marked as "X" for identification purposes.
4. It is submitted that by way of instant petition, the challenge is

raised to order dated 20.01.2016 passed by the Trial Court on an application at Exh-123 in Special Civil Suit No.352 of 2012, which is an application under Section 10 of Civil Procedure Code seeking stay of suit in view of pendency of Second Appeal No.22 of 2014. By the impugned order, the application under Section 10 of Civil Procedure Code is allowed and Special Civil Suit No.352 of 2012 is stayed. The impugned order was passed on an application filed by respondent No.1 herein.

5. During the pendency of the instant petition, the petitioner and respondent No.1 have jointly arrived at a compromise and desire to settle the suit by way of a compromise decree, however, in view of the impugned order staying the proceedings of the suit, the compromise could not be arrived at. Today, the petitioner and respondent No.1 have filed a joint *pursis* signed by both the parties and their lawyers mentioning thereby that they desire the impugned order to be quashed and set aside for enabling the parties to appear before the Trial Court in Special Civil Suit No.352 of 2012 for getting compromise recorded.

6. Although the petitioner has challenged the order dated 21.01.2016, which is not opposed by respondent No.1 and even expressed

readiness for allowing the impugned order to be quashed, the instant petition can be disposed of in view of this concession.

7. Considering the joint *pursis* dated 30.04.2025 and submissions made by the learned counsel for the petitioner as well as respondent No.1, I pass the following order :

ORDER

- i. The writ petition is disposed of in terms of joint *pursis* dated 30.04.2025 submitted by both the parties.
- ii. The order dated 21.01.2016 passed by the 3rd Joint Civil Judge Senior Division, Aurangabad in Special Civil Suit No.352 of 2012 is quashed and set aside.
- iii. The writ petition is disposed of accordingly.

(PRAFULLA S. KHUBALKAR, J.)