



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9404 OF 2024

Param Developers Through Its Partners Parmeshwar Santaram
Rajbinde And Others

VERSUS

Akruti Consultancy Service Through Its Partners Avinash
Ganpatrao Solapure And Others

Mr. M. K. Bhosale, Advocate for petitioners

Mr. P. R. Katneshwarkar senior counsel h/f Mr. N. T. Tribhuwan, Advocate
for respondent Nos. 1 to 3

CORAM : R. M. JOSHI, J.

DATE : 27th January, 2025

PER COURT :-

1. During the course of hearing, it is brought to the notice of this Court that learned ad-hoc District Judge, Aurangabad while passing order in MCA No. 11/2024 has granted the relief which was not sought.

2. This Court finds substance in the contention of senior counsel appearing on behalf of respondent that it is open for the Court to mould the relief in the interest of justice. However the moulding of relief does not mean to allow court to pass any order without giving an opportunity to the party against whom the relief is to be granted to meet with such relief. Thus, in the instant case prejudice has been caused to the petitioner/defendant by grant of relief, which is not proper, since

petitioner lost an opportunity to oppose such relief being granted. In such circumstances, this Court finds it appropriate to set aside the impugned order and direct MCA No. 11/2024 be decided fresh in accordance with law.

3. Having regard to the fact that injunction is sought by the plaintiff, the said proceeding be concluded on merit within period of a month from today.

4. Parties to appear on 29.01.2025. District Court is not required to issue fresh notice to the parties

5. Parties to act upon authenticated copy of this order.

(R. M. JOSHI, J.)

bsj