



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

975 WRIT PETITION NO. 11464 OF 2023

SHIVPRASAD ANANTRAO TAKSALE
VERSUS
LAXMIBAI MURLIDHAR KULKARNI

AND

980 WRIT PETITION NO. 11503 OF 2023

SHIVPRASAD ANANTRAO TAKSALE
VERSUS
LAXMIBAI MURLIDHAR KULKARNI

...
Mr. Apparao P. Yenegure – Advocate for Petitioner
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 19.12.2025

PER COURT :

1. None for the respondent. Despite of service of the notice, none appeared for the respondent in both the petitions.

2. This Court had issued final disposal notice dated 13.09.2023, however despite service, none appeared on behalf or the respondent. When the matter was called out in the morning session, this Court granted one more opportunity and kept the matter in the afternoon session. Even when the matter was called out in the afternoon session, nobody appeared for the respondent. Therefore, the matter was proceeded further.

3. Heard learned Counsel for the petitioner in Writ Petition No.11464 of 2023. The petitioner assails the order dated 30.06.2023 passed below Exhibits 42 and 45 in Civil M.A. No.27/2022 by the learned Joint Civil Judge, Senior Division, Omerga, Dist. Osmanabad in Writ Petition No.11464/2023. The petitioner has also challenged the order dated 28.08.2023 passed below Exhibit 52 in Civil M.A. No.27/2022 by the learned Joint Civil Judge Senior Division, Omerga, Dist. Osmanabad in Writ Petition No.11503 of 2023.

4. As far as Writ Petition No.11464 of 2023 is concerned, the petitioner had filed objections in the proceedings initiated under the Bombay Regulation Act. The petitioner filed an application for adjournment below Exhibit 39, which came to be allowed subject to cost of Rs.750/-. On the next date, petitioner moved another application for adjournment below Exhibit 40, which came to be rejected vide order dated 12.06.2023 and on the same date “no cross” order was passed. The petitioner filed an application below Exhibit 42 for setting aside the “no cross” order dated 12.06.2023 on the ground that, petitioner could not cross-examine the witness due to a marriage ceremony in the family. The application below Exhibit 42 also came to be rejected. Further, petitioner filed an application below Exhibit 45 for permission to deposit costs of Rs.750/-, which also came to be dismissed by the learned Trial Court.

5. Having gone through the applications and the reasons recorded by

the learned Trial Court, and considering the issue involved, as the matter pertains to property and in the interest of justice, this Court is of the opinion that one more opportunity deserves to be granted to the petitioner.

6. In view thereof, the Writ Petitions are allowed. The order dated 30.06.2023 passed below Exhibits 42 and 45 in Civil M.A. No.27/2022 by the learned Joint Civil Judge, Senior Division, Omerga, Dist. Osmanabad in Writ Petition No.11464/2023 and the order dated 28.08.2023 passed below Exhibit 52 in Civil M.A. No.27/2022 by the learned Joint Civil Judge Senior Division, Omerga, Dist. Osmanabad in Writ Petition No.11503 of 2023 are quashed and set aside.

7. The applications below Exhibits 42, 45 and 52 are allowed.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/