



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

1000 WRIT PETITION NO. 11353 OF 2022

HIMAYAT NOOR ISLAM PATEL THROUGH POWER OF ATTORNEY JISHAN
HIMAYAT PATEL

VERSUS

ALAKNANDA BHAGWANDAS HEDA SINCE DECEASED THROUGH LRS
KAMALKISHOR BHAGWANDAS HEDA AND OTHERS

...

Advocate for the Petitioner : Mr. M.V. Salunke h/f. Mr. V.D. Salunke
Advocate for Respondent No.1 (a) to 1(e): Mr. Rathil Swapnil S.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 09.12.2025

PER COURT :

. Heard learned counsel for respective parties.

2. By the present Writ Petition, the petitioner challenges the order dated 08.07.2022 passed below Exhibit-109 by learned Civil Judge Junior Division, Latur in R.C.S No.260 of 2015, whereby the application filed by defendant No.3 to decide whether the suit is maintainable for want of notice under Section 80 of C.P.C. came to be rejected.

3. Learned counsel Mr. Rathil appearing for the Respondent Nos.1(a) to 1(e) points out that similar application at Exhibit-100 was filed and the same was rejected, against which petitioner filed the Writ Petition No.372 of 2022, which also came to be dismissed and even the trial court has referred the order passed by this Court in Writ Petition No.372 of 2022.

4. I have gone through the order passed by learned trial Court. Considering the above facts, I am of the opinion that learned trial court has rightly rejected the application. Therefore, I am not inclined to interfere with the order dated 08.07.2022 passed below Exhibit-109 by learned Civil Judge Junior Division, Latur in R.C.S No.260 of 2015 under Article 227 of the Constitution of India.

5. In view thereof, the Writ Petition is dismissed. No order as to costs.

(SIDDHESHWAR S. THOMBRE, J.)

vsj..