



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

CRIMINAL WRIT PETITION NO. 1167 OF 2025

Bharat Gajendra Gholkar

.. Petitioner

Versus

Anuradha Amrut Gholkar And Another

.. Respondents

Mr. Pawan K. Lakhotiya, Advocate h/f Mr. Kushal G. Kabra,
Advocate for the Petitioner.

Mr. Chaitanya Deshpande, Advocate for Respondent No. 1.

CORAM : KISHORE C. SANT, J.

DATE : 19th AUGUST, 2025.

PER COURT :-

. At the outset, learned advocate for the petitioner seeks leave to delete respondent No. 2 being a formal party.

2. Leave granted to delete respondent No. 2 at the risk of the petitioner.

3. Mr. Deshpande, learned advocate appears for respondent No. 1.

4. The matter is taken up for final disposal by consent of the parties.

5. This petition is filed by father in law of respondent No. 1 challenging an order passed by the learned Additional Sessions

Judge, Aurangabad dated 25.07.2025 in P.W.D.V.A. Appeal No. 70/2025 thereby dismissing the appeal of the petitioner. In the appeal, an order under challenge was the order passed by the learned J.M.F.C. (6th Court), Aurangabad dated 30.06.2025 allowing the application of respondent No. 1. It is ordered to the present petitioner and other respondents in the main proceeding not to evict the respondent from the house.

6. The learned advocate for the petitioner vehemently submits that, an order passed by the learned J.M.F.C. was passed without complying basic principles of natural justice. In the order itself it has come that all the respondents are not before the Court. He submits that the report of service was filed by the bailiff which only states that the notices were served through Whatsapp. There is no proper service and still the order is passed. He submits that, since beginning the husband and wife are staying away. Son is in service at Pune. The respondent never resided with the petitioner except on few occasions. All these factors could not be brought to the notice of the Court. Ultimately, he prays that the parties be directed to appear before the Court with a direction to the Court to decide application afresh.

7. The learned advocate Mr. Deshpande for respondent No. 1 vehemently opposes the petition. He submits that, an order is rightly passed by the Court. There is report of service submitted by the bailiff which need not be dealt with. He tried to point out that the address given of the respondent in the proceedings initiated by the petitioner himself before the Senior Citizen Tribunal is the same where he is residing.

8. This Court at this stage finds that, the order is passed without hearing the petitioner. Presently, this Court need not go into the aspect that the petitioner is not served or as to whether service is proper service. This petition can be disposed of conveniently by directing the learned Trial Court to hear the parties again on interim relief and to pass fresh order within three weeks from today. Till the date of such hearing, parties shall maintain status quo.

9. Needless to say that, the petitioner is at liberty to file say on record and relevant documents if any.

10. With this, criminal writ petition stands disposed of.

(KISHORE C. SANT, J.)

P.S.B.