



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12314 OF 2024

Sujay Suresh Kharpude

VERSUS

Suresh Narayan Kharpude And Others

• Mr. N. C. Garud, Advocate for the Petitioner

CORAM : R. M. JOSHI, J

DATE : FEBRUARY 17, 2025

PER COURT :

1. None appears for Respondents in spite of service of notice.

2. Absence of Respondents shows that Respondents have no interest in prosecuting the Petition.

3. Learned Counsel for Petitioner restricts his prayer to the extent of directing the Trial Court to decide application Exh. 5 on merit. It is his contention that the said application came to be dismissed for non availing opportunity given by the Trial Court.

4. It is always in the interest of the parties

that the application is heard and decided on merit. No prejudice will cause to the Respondents if the Trial Court is directed to hear and decide the application Exh. 5 on merit.

5. In view of above, Petition stands allowed in terms of prayer clause 'B'. Trial Court is directed to decide application Exh. 5 on merit by granting opportunity of hearing to both sides.

(R. M. JOSHI, J.)