



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1040 WRIT PETITION NO. 12970 OF 2023

ABDUL AZIZ CHAUS

VERSUS

ABDUR RAHMAN CHAUS

...

Party-in-person – for the petitioner (through V.C.)

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 19.12.2025

PER COURT :

1. Heard the party-in-person/petitioner through virtual mode (V.C.).

None appeared on behalf of respondent though served.

2. The petitioner assails the order dated 13.06.2023 passed by the 3rd Joint Civil Judge, Senior Division, Nanded, in Special Civil Suit No.189 of 2022, whereby the application filed by the petitioner below Exhibit 34 came to be rejected.

3. The party-in-person submits that while rejecting the said application, the learned Trial Court observed in paragraph 7 that the plaintiff had not corrected the valuation of the suit property despite of granted him an opportunity under Order VII Rule 11 of the Code of Civil Procedure. He further submits that he has already complied with the said direction and had filed a compliance affidavit at page 74.

4. Upon perusal of the compliance affidavit at page 74, it appears that the learned Trial Court did not take the said compliance report in consideration. Therefore, I am inclined to set aside the order under challenge and to restore the application.

5. In view thereof, the Writ Petition is partly allowed. The order dated 13.06.2023 passed by the 3rd Jt. Civil Judge, Senior Division, Nanded, in Special Civil Suit No.189 of 2022 is quashed and set aside. The application below Exhibit 34 stands restored.

6. The learned Trial Court shall decide the application afresh, after granting one more opportunity of hearing to the petitioner, in accordance with law.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/