



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

936 WRIT PETITION NO. 13868 OF 2025
NARHARI BANSI NAGARGOJE AND ANOTHER
VERSUS
KUSABAI PRABHU MUNDE AND OTHERS

...
Advocate for the Petitioners : Mr. Kedar Shrimant Ravsaheb
Advocate for Respondent No.1 : Mr. Chandrasen A. Shingare

...
CORAM : ARUN R. PEDNEKER, J.

DATE : 20.11.2025

PER COURT:

1. The learned counsel points out Clause 6 of the impugned order dated 13.10.2025, wherein the appellate court has observed that the petitioners have remained absent on various occasions and as such the matter is proceeded without their presence and the order is passed. The trial court has granted injunction against the present petitioners. The interim order passed by the trial court is in operation from the year 2023.

2. The learned counsel appearing for the petitioners submits that liberty be given to the petitioners by imposing costs to conduct the matter before the appellate court by setting aside the impugned order passed by the appellate court on Exhibit-5.

3. The learned counsel for the respondent / plaintiff opposes the prayer since various opportunities were already given

to the petitioners and that the interim order of the trial court is confirmed by the appellate court.

4. Since, the petitioners were not available to argue the matter the impugned order is set aside and the matter is remitted back to the appellate court to decide the same in accordance with law after hearing all the parties.

However, it is directed that the interim order of the trial court would continue to operate till the decision of the appellate court of injunction.

5. The impugned order is set aside, subject to the payment of costs of Rs.10,000/- being paid to the respondent / plaintiff within a period of four (04) weeks from today.

6. The appellate court would decide the matter on it's own merits without being influenced by the observations made hereinabove.

7. The Writ Petition stands accordingly disposed of.

[ARUN R. PEDNEKER, J.]

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