



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

APPEAL FROM ORDER NO. 11 OF 2025

Mohd. Najam Mohd. Azam .. Appellant

Versus

Chandrakalabai W/o Hira Swami
B. Choudhari .. Respondent

Shri G. R. Syed, Advocate for the Appellant.
Shri M. M. parghane, Advocate for the Respondent.

CORAM : SHAILESH P. BRAHME, J.
DATE : 08TH OCTOBER, 2025.

ORDER :

. Heard both sides.

2. Appeal from order shall be decided finally at the admission stage.

3. Both the parties agree to address on following substantial questions of law.

(i) Whether impugned order is sustainable when the defendant had sufficient opportunity to file written statement and contest the matter on merits ?

(ii) Whether the Trial Court can be said to have acted

hastily and in violation of principles of natural justice in deciding the matter in the absence of written statement and the contest by the respondent ?

4. Both parties shall be at liberty to file relevant documents on record. Stand over to 10.11.2025.

[SHAILESH P. BRAHME J.]

bsb/Oct. 25