

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13716 OF 2024

Sonabai Ashok Mali and Anr. ... Petitioners

V/s.

Sub Divisional Officer Sub Division ... Respondents
Miraj and Ors.

Mr. Nagesh Y. Chavan, for the Petitioners.

Mr. Sanjay D. Rayrikar, AGP, for the Respondent no. 1.

CORAM : N.J. JAMADAR, J.

DATE : 3RD APRIL 2025.

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1. Heard learned counsel for the petitioners and learned AGP for the respondent no. 1.
2. The challenge in this petition is to the orders dated 23rd August 2024, whereby the applications preferred by the petitioners / opponent nos. 11 and 12 to set aside the 'no say' order and 'no cross examination' order, came to be rejected for want of prosecution as none appeared for the applicants when those applications were taken up for hearing.
3. Having regard to the nature of the orders passed by the learned District Judge, it may be expedient in the interest of justice that the orders of rejection of the applications for want of prosecution are set

aside and the applications are restored to the file of the learned District Judge for a fresh decision on merits, as it appears that the substantive rights of the petitioners are likely to be affected.

4. Hence, the petition stands allowed.
5. The impugned orders dated 23rd August 2024 stand quashed and set aside.
6. The applications (Exhibit-85 and 86) stand restored to the file of learned District Judge for a fresh decision on merits.
7. The petitioners shall appear before the District Judge on the next scheduled date of hearing of the main application and work out the applications. (Exhibit- 85 and 86)
8. The petitioners shall not seek any adjournment in the proceeding before the learned District Judge.
9. The petition stands disposed.

(N.J. JAMADAR, J)