

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3503 OF 2024
WITH
INTERIM APPLICATION NO. 10288 OF 2025
IN
WRIT PETITION NO. 3503 OF 2024**

Gangubai Ashok Mane And Anr. ... Petitioners

Vs.

Hirabai Murlidhar Dalvi Decd Thru Lhrs And ... Respondents
Ors.

Mr. Sachin Gawade i/b Sandeep Patade for the Petitioners.

Mr. Mandar Bagkar i/b C. S. Patil for Respondent No.8.

Mr. Drupad Patil for Respondent Nos.22 to 25.

CORAM : GAURI GODSE, J.

DATED : 2nd SEPTEMBER 2025

ORDER:

1. This petition is filed by defendant nos.3 and 14 to challenge rejection of their respective applications at Exhibit 151 and Exhibit 148. These defendants applied for setting aside no evidence order and permitting them to lead evidence. These applications are rejected on the ground that these defendants have admitted the suit claim. The plaintiffs closed their evidence. The order dated 13th October 2022 recorded that the petitioners' evidence was closed. This order was set aside on 9th December 2022 and

they examined defendant no. 13 on their behalf. Thereafter, these consenting defendants filed a pursis at Exhibit 145, stating that they do not want to lead any further evidence.

2. Considering that these petitioners (defendants) consented to the suit and also filed their no evidence pursis at Exhibit 145 on 27th February 2023, the trial Court has rightly rejected their application by imposing cost. Defendant no. 3's application was filed after the suit was posted for final arguments.

3. There is no illegality or perversity in the impugned order to exercise the discretionary jurisdiction under Article 227 of the Constitution of India.

4. Writ Petition is, therefore, dismissed.

5. In view of the disposal of the petition, pending application is dismissed as infructuous.

(GAURI GODSE, J.)