

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2739 OF 2025

Vitthal Pandharinath Deshpande ... Petitioner

V/s.

Nitin Mohan Bhanuse and Ors. ... Respondents

Mr. Akshay Shinde, for the Petitioner.

Mr. Shriram Kulkarni with Hemant Ghadigaonkar, for the respondents.

CORAM : N.J. JAMADAR, J.

DATE : 11TH MARCH 2025.

Digitally
signed by
VARSHA
DEEPAK
GAIKWAD
Date:
2025.03.15
14:15:40
+0530

PC:

1. Heard learned counsel for the parties.
2. The challenge in this petition is to an order and judgment dated 9th January 2025 passed by the learned District Judge, Vadgaon, Maval whereby the appeal preferred by the respondents came to be allowed and an order of injunction passed by the trial Court in RCC No. 73 of 2021 came to be set aside and the said application for temporary injunction was rejected.
3. Mr. Shinde learned counsel for the petitioner at the outset submitted that the appeal came to be decided ex-parte by preponing the date of hearing of the appeal. An affidavit of the advocate who is shown to have represented the respondents and also argued the matter

before the Appellate Court, is filed.

4. In view of the aforesaid nature of the controversy, without delving into the correctness of the contentions in the affidavit, with the consent of the parties, the petition stands allowed and the order passed by the learned District Judge in M.C.A No. 81 of 2022 stands quashed and set aside. M.C.A No. 81 of 2022 is restored to the file of the District Court.

5. M.C.A No. 81 of 2022 be decided afresh after providing an opportunity of hearing to the parties.

6. The parties shall appear before the District Court on 24th March 2025.

7. The learned District Judge is requested to make an endeavour to hear and decide the appeal as expeditiously as possible and preferably within a period of two months of the date of appearance of the parties .

8. To rule out the possibility of prejudice, till the decision of the appeal by the District Court, the parties shall maintain the status quo as it obtains today.

9. Petition disposed.

(N.J. JAMADAR, J.)